

COMMISSION MEETING  
ROLL CALL

Thursday, January 5, 1995  
Baton Rouge, LA  
Wildlife & Fisheries Building

	Attended	Absent
Jeff Schneider (Chairman)	<u>✓</u>	—
Glynn Carver	<u>✓</u>	—
Perry Gisclair	<u>✓</u>	—
Tee John Mialjevich	<u>✓</u>	—
Joseph Cormier	<u>✓</u>	—
Jerald Hanchey	<u>✓</u>	—
Peter Vujnovich	<u>✓</u>	—

Mr. Chairman:

There are 7 Commissioners in attendance and we have a quorum.  
Secretary Herring is also present.

## JANUARY COMMISSION MEETING

JANUARY 5, 1995

### Legal Opinion Confirming December Election of Officers, for Informational Purposes Only

Chairman Schneider: Any other comments? Okay, item number 12, Don you're up. Tee John had a question about the election in December.

Mr. Don Puckett: Yes sir? Do you want me to give the answer or do you want to give the question?

Commissioner Mialjevich: Oh, well, I have a question about the election in December.

Mr. Puckett: Let me go through this chronologically as best I can to state the events that took place and what my opinion on the election is. After the election, I suppose it was the week following, Mr. Herring came into my office and advised me that you had raised an issue concerning a procedure of the election. I looked at it that day at the issue specifically, concerning election procedure, consulted with a Parliamentarian that I had consulted on other items with a time or two before, and concluded that the election procedure that was employed in December was irregular and recommended a Special Meeting to address that irregularity. Now, as most of you know, a Special Meeting was noticed for the Friday of that week, there was no quorum, there was no action that was taken. At that time, I had to anticipate something that I had not anticipated prior to that and should have, in hind sight, and that is what the validity of the December election was. I looked back at all of the rules, not only those governing the election, but those governing points of order and concluded that the December election was valid. I consulted again with the Parliamentarian, she verbally advised me that that was her view of it, I asked her if she could give me a written opinion to that effect because I knew this would be controversial either way, and she did, and, basically, the opinion that she wrote is in your packet. That's where the matter stands today.

Secretary Herring: Mr. Chairman, I would like to say that we did have this opinion there, it was a lot of questions asked you might say by staff, Commission members, the public and some others. So I did myself ask for another opinion on the outside. It seems like we were getting contradictions here, so I did, I tried to get one with LSU, but it was kind of hard during the holidays, so I did get one. I'm going to pass these out to the Commission members here, give you a minute to look at them. And this came from Mrs. John Prinz, I think that she is well qualified in giving an opinion on parliamentary procedures. She has been President of the National, or the State rather, President and active as Chairman of some National Parliamentarian meetings with Westinghouse and few of those she has been their official parliamentarian. So, she does have a very good tract record to stand on in making some decisions on parliamentary procedures. So, Mr. Chairman, I would like for you to look over these, I certainly would like for the Commission to consider looking at this and coming up because this is something I think that we should look at. There was a lot of questions on the

way the last election was held in December, the procedures were taken, the way the vote was taken and different things. So, I think if you would look at this, furnish the information for this, the tapes to listen to, to go through and see what they had. So, I certainly recommend, I'm going to give the attorney a copy too, so everybody will have a copy of this to go through and give you a minute to look at it and then I think from there we, if the Commission wants to discuss it, I think we can discuss it at that time.

Chairman Schneider: Have you seen this Mr. Puckett? You've haven't seen this?

Mr. Puckett: I haven't seen it.

Commissioner Mialjevich: It's pretty good.

Chairman Schneider: It looks like we got, instead of a battle of lawyers, we got a battle of parliamentarians.

Commissioner Mialjevich: She's got stuff backing it up. Why this lady don't have anything backing up hers. This lady don't have anything backing up. I'm going to get me some water. This is interesting.

(The Commission members were reviewing the information presented at this point with the tape running.)

Chairman Schneider: All right, let's come back to order. I think everybody has had a chance to look at all of the papers. The Chair is going to accept the ruling of our Parliamentarian/Attorney and the Chair finds that the December election was valid and binding.

Commissioner Mialjevich: Well, I have to appeal the rule of the Chair. I think we have two conflicting Parliamentarians. One is from the Texas State Association and the other one is from Louisiana. In the, and again I can see why this Parliamentarian went with our lawyer because he is famous for one liners. She had no back up. This person here that gave this opinion has it like I like it chapter and verse. This is in black and white. In here it says, Assemblies prerogative in judging voting procedures. Unless the By-Laws provide otherwise, the assembly itself is the judge of all questions arising which are incidental to the voting or the counting of the votes in an election. So the whole assembly is us, not only yourself, Mr. Chairman, so I appeal the rule of the Chairman and speaking for us, I move to return this item to the agenda as a special agenda item to discuss our options and hold another election. And, if I can get a second to that, I think a two-thirds vote will put this back on the agenda.

Commissioner Gisclair: Second.

Chairman Schneider: I don't know which one to talk about first, the appeal or the moving it back to the agenda.

Mr. Puckett: I think the appeal is the first item that you have to take up first and that's an appeal on a, your ruling, on a point of order.

Chairman Schneider: Right. So what is the proper procedure for an appeal?

Mr. Puckett: At this point, if there has been a second.

Chairman Schneider: You have to appeal, a second the appeal.

Mr. Puckett: Yes, which I think was...

Chairman Schneider: Okay, my, my ruling has been appealed and seconded. Now what or do we have to get another...

Mr. Puckett: I'm following this as I go since ya'll bear with me a second.

Chairman Schneider: ...we have to get a parliamentarian in here and tell us step by step.

Commissioner Mialjevich: I don't know if we need a parliamentarian. According to this it says the assembly itself is the judge of all questions.

Chairman Schneider: No, no I understand that, I understand that. I just want to make sure whatever we do is legal, Tee John.

Commissioner Mialjevich: Well, if we are the judge of it, it has to be legal.

Chairman Schneider: Oh, well, I don't think we can do anything that is illegal, that's my...so I'm waiting on a ruling from our attorney.

Mr. Puckett: The issue that I am looking at right now is debatability versus undebatability. In other words, this will either be debated and voted on or you go straight to the vote and I don't know if that, how big an issue that is at this time. And, quite frankly I can't tell you right now whether this is a debatable appeal or an undebatable appeal. I am going to make a ruling off the cuff, and I will tell you it is off the cuff, that this is probably a debatable appeal rather than to quash debate which would allow each member one debate on the point of order.

Commissioner Mialjevich: Let's debate it.

Chairman Schneider: Okay does anybody on the Commission want to debate?

Commissioner Mialjevich: Let's debate it.

Chairman Schneider: Tee John, would you like to debate?

Commissioner Mialjevich: Yes, I'm bringing it, I'm appealing your ruling because I feel that the, we didn't have an election...

Chairman Schneider: Okay.

Commissioner Mialjevich: ..in December. I feel that according to both of these Parliamentarians they both, my feeling in reading this is we didn't have

an election. We had a substitute motion which was wrong, which we shouldn't have had, so if that was wrong and we voted on a substitute motion, we never did vote. So, we don't have a Chairman, we never had an election. So all I'm saying is let's find a way, let's put this thing back on the agenda and have an election. Then we are legal.

Chairman Schneider: Okay. Any other debate?

Commissioner Cormier: A substitute motion, Mr. Chairman, we've been voting on substitute motions for a year, a year and a half, going on two years and it takes precedence over an original motion. Now of course, they're saying that it don't and, I have no qualm one way or the other. But unless I think, you get some Attorney General opinion, I don't believe a layman can answer the question for us and we are laymen here on this board. And, our attorney has already given us a recommendation, I think the attorney should rule. But on the other hand, if you feel you need an opinion, I think you should get an opinion from the Attorney General and if it's not satisfy there, then you move up higher, to a higher authorities. I think that's the sensible way of disputing, I think, a misunderstanding. And, I tried to when I originally open up, when we originally opened the meeting, the minutes, I was trying to say that the minutes should have been accepted and that portion of the minutes should have been the onlyiest part that should have been in question. But there again, that's a layman point of view. But we do things and I don't think you do things and you just continually change because of the whim of an individual. So you, and you as Chairman, I think we should abide by what the Chairman has already ruled and if it is out of order, it did not, it was not on my agenda and I don't think there was a motion to have it placed on the agenda.

Chairman Schneider: Well, we are not considering putting it on the agenda at this point. We are discussing the appeal right now.

Commissioner Cormier: Well that's how I feel right now. I don't think it should have gotten to this point.

Chairman Schneider: My ruling has been appealed. My ruling was appealed. I don't know, are you raising a point of order on that?

Commissioner Cormier: Yes, I don't think it should have got on that.

Chairman Schneider: Okay, he is raised a point of order that perhaps it shouldn't have gotten this far because it is out of order. Is that correct? In other words he is saying that the mere question is out of order.

Mr. Puckett: My, again let me just state for the record. I don't, I don't profess to be a parliamentarian. I'm feeling my way through this as I go along. Now, we've got a pending appeal and what appears to be a point of order raised with regard to that appeal.

Chairman Schneider: About the appeal, whether it is out of order or not.

Mr. Puckett: My feeling, well my feeling would be that if the member objects to the appropriateness of the appeal, the remedy there would simply be

to vote against it. So, in other words, I don't know if I can rule on a point of order while there is an appeal pending.

Chairman Schneider: I don't know either man, this is, we out in space now on me.

Mr. Puckett: And, I'm inclined, I'm inclined to say that that the way to object to the appeal is by voting...

Chairman Schneider: By voting?

Mr. Puckett: ...against it.

Chairman Schneider: Okay, okay, any further debate?

Commissioner Gisclair: I've just got, Mr. Chairman?

Chairman Schneider: Yes.

Commissioner Gisclair: One thing, talking to Mr. Cormier, and he says we been voting on substitute motions all year. I think there is a difference here in substitute motions in daily business and substitute motions I think that has asked here different during an election. I don't think substitute motions can be put into an election in Roberts Rules and I think that's the question. I think it is addressed in this here.

Commissioner Cormier: Again, I still say this is not a court of law and laymen to me does not give me legal judgmental to judge this decision. I don't think I am to abide by a layman when there is, when we are talking about, here is an attorney who is saying one thing, I think I should abide by the Department's attorney. And, he has put a ruling in our packets, mailed it to each one of us and this is all I'm saying.

Commissioner Gisclair: Mr. Chairman?

Chairman Schneider: Okay.

Commissioner Gisclair: Remind Mr. Cormier this is the same attorney that called the Special Election that thought there was and said there was a problem and called a Special Election with a two day notice in Lafayette that didn't materialize. At that time he said there was a need and he called a Special Election.

Chairman Schneider: Okay, any further debate? Okay, let's vote on the appeal. All those in favor of the appeal, raise your hand. One, two, three, four.

Commissioner Mialjevich: I see five.

Chairman Schneider: Five. Okay. The appeal clearly passes. Now what Mr. Attorney? My ruling has been appealed.

Commissioner Mialjevich: Overturned.

Mr. Puckett: The, the ruling was with regard to the validity of the December Election.

Chairman Schneider: Right.

Mr. Puckett: If the body has decided that the December election was invalid, at this point any other motions would have to be entertained.

Chairman Schneider: Okay.

Commissioner Mialjevich: Well, I want to move to return to the agenda, not return anything, I want to make a motion that we put on the agenda right now and take a two-thirds vote that we have Re-Election of Officers. Do I get a second?

Commissioner Gisclair: Second.

Chairman Schneider: It has been moved and seconded, is that motion in order?

Mr. Puckett: The By-Laws provide that the Election of Officers take place at the December Meeting. If the December Meeting election was invalid, then it would be appropriate to hold the election at a subsequent meeting. Now under the Open Meetings Law, which is the other concern I have, it is not on the agenda, the exception to that is that a two-thirds vote will place the item on the agenda. And, I think under those conditions, the motion with a second would be appropriate.

Chairman Schneider: Okay, as proposed?

Commissioner Cormier: Question.

Chairman Schneider: Go ahead.

Commissioner Cormier: Question, who invalidated legally invalidated the December election?

Commissioner Mialjevich: The appeal.

Commissioner Cormier: Which court legally invalidated the election. Your opinion did not, another opinion did.

Chairman Schneider: That was done by the appeal.

Mr. Puckett: That took place just as a result of the appeal.

Chairman Schneider: The vote was clearly in favor that my ruling was overruled by the Commission here, all of us, okay?

Commissioner Cormier: Okay.

Chairman Schneider: All right, so you understand?

Commissioner Cormier: Got it.

Chairman Schneider: Got it, okay. All right, it has been moved and seconded. All those in favor, say aye. All those opposed. Raise your hands, everybody in favor, raise your hand. One, two, three, four, five. Okay, it clearly passes. Okay, so now.

Commissioner Mialjevich: I want to open the floor for...

Mr. Puckett: It's a two-thirds, yes, a two-thirds, two-thirds, whatever two-thirds of seven is, and I am not going to do the math.

Chairman Schneider: Is five enough?

Commissioner Mialjevich: Five is enough.

Chairman Schneider: All right. I want to make sure, I want to get my attorney to tell me five is enough. All right. Now, I guess the nominations are in order for officer, is that correct?

Mr. Puckett: Let me, let me suggest this and obviously to avoid what happened last time, let me state for the record, I've been here for 12 years and this is the first time we've ever had a question raised on the procedure of an election. But to keep that from taking place again, I would recommend that one office, either Chairman, preferably Chairman I would suggest be placed up for nominations, that nominations be offered and then when there are no more nominations forthcoming, that nominations be closed. Although a formal motion to that effect is not required.

Chairman Schneider: Okay.

Mr. Puckett: And I would suggest at that time, a vote be taken on nominations for Chairman in the order of nominations.

Chairman Schneider: Okay.

Mr. Puckett: Now, you will note...

Chairman Schneider: And then do Vice-Chairman after that?

Mr. Puckett: Yes. You will note in Mrs. Prinz's, if I am pronouncing that right, opinion and also Roberts provides this, they recommend a vote by written ballot. I'm not going to recommend that you do or do not do it by written ballot. Traditionally, the Commission has voted by roll call vote. That may be more appropriate for a public body. That's your call. Your need to decide.

Chairman Schneider: We will just raise our hands.

Mr. Puckett: As long as, as long as ...



Chairman Schneider: Unless somebody objects.

Mr. Puckett: ... the procedure is agreed upon prior to the election.

Chairman Schneider: We will just raise our hands.

Commissioner Mialjevich: Raise our hands.

Chairman Schneider: Okay, the floor is now open for nominations for the position of Chairman of the Commission. Are there any nominations?

Commissioner Mialjevich: I would like to nominate Mr. Perry Gisclair for Chairman.

Chairman Schneider: Mr. Gisclair has been nominated.

Commissioner Vujnovich: I'll second it.

Commissioner Cormier: I would like to nominate Jeff Schneider.

Chairman Schneider: Mr. Schneider has been nominated. Are there any other nominations for Chairman? Okay, the nominations, hearing none, the nominations are now closed. In the order in which they were nominated, all those in favor of Perry Gisclair, raise your hand.

Commissioner Mialjevich: Wait, did we have a second for the second nominated person?

Mr. Puckett: Well, I can look that up, I don't think a nomination requires a second. But if you would like to take a minute, I can ...

Commissioner Mialjevich: It doesn't require a second? No, we will let it ride.

Chairman Schneider: All those in favor of Perry Gisclair, raise your hand. One, two, three, four, five. All those in favor of Mr. Schneider, raise your hand. Well, I will vote for myself. Okay. So Chairman has been decided, Mr. Gisclair is Chairman. Now, the nominations are open for Vice-Chairman, correct. Are there any nominations for Vice-Chairman?

Commissioner Hanchey: I would like to nominate Mr. Carver.

Commissioner Mialjevich: And I'll second it.

Chairman Schneider: Did you say Carver? Okay, Glynn Carver has been nominated. Are there any further nominations for Vice-Chairman? I would like to nominate J. B. Cormier. Are there any further nominations?

Commissioner Cormier: It's not necessary that we vote on peace and harmony, I respectfully decline. Welcome Mr. Carver, Dr. it's a pleasure.

Chairman Schneider: You decline? Okay. So no more further nominations, let's vote on it anyway to be sure. All those in favor of Mr. Carver, raise your hand. One, two, three, four, five. Okay, Mr. Carver, Mr. Carver you're Vice-Chairman. Okay. All right, so the new Chairman for '95 is Perry Gisclair and our new Vice-Chairman is Glynn Carver. Okay. Any other, does that satisfy you Mr. Attorney?

Mr. Puckett: That would satisfy all of the legal requirements for the Election. Now I would ask if there are any members that have any points of order or questions about the procedure to please raise them.

Commissioner Cormier: I do. I do.

Chairman Schneider: I, I intend, I'm going to question this election and probably file suit myself on this election.

Commissioner Cormier: I wish to say this Mr. Chairman. It's not a matter of, I respect Mr. Gisclair and Dr. Carver. However, all I'm saying that I feel that this is not a court of law and this was not handled properly as it should have been handled. Had this transpired back in December, I would have did the same thing as I would have done today, and I felt that it should have been raised in December. And, the opinion that was given today was two opposing opinions. There was no one conclusive opinion and I wish to have it made part of the record.

Chairman Schneider: We've, we've got some interesting legal problems that maybe some of the Commissioners are not aware of that I've looked at. But anyway, I do raise a point of order and like I say, I will probably be filing some sort of legal action because I believe the December election is legal and I believe I owe it to Bert Jones to do so. But anyway, we'll move on.

**LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES**

**BOARD MEETING**

**JANUARY 5, 1995**

**JOHN F. "JEFF" SCHNEIDER  
CHAIRMAN**

**BATON ROUGE, LOUISIANA**

The following constitute minutes of the Commission Meeting  
and are not a verbatim transcript of the proceedings.

Tapes of the meetings are kept at the  
Louisiana Department of Wildlife and Fisheries

2000 Quail Drive

Baton Rouge, Louisiana 70808

For more information call (504) 765-2806

**AGENDA**  
**LOUISIANA WILDLIFE AND FISHERIES COMMISSION**  
**BATON ROUGE, LOUISIANA**  
**JANUARY 5, 1995**

	Page
1. Roll Call	1
2. Approval of Minutes of December 1, 1994 (Not Approved)	1
3. Moratorium Update & Possible Declaration of Emergency & Notice of Intent	1
4. Aircraft Report	1
5. Catfish Task Force - Proposed Structure	2
6. Declaration of Emergency to Extend Calcasieu Lake Oyster Season & Adjust Daily Take Limits	3
7. Ratification of Mullet Roe Season	4
8. Resolution to Give Secretarial Authority to Close Spotted Seatrout Season	5
9. Civil Restitution/Class 1 Update	7
10. Enforcement Report/December	7
11. Secretary's Report to the Commission	8
12. Legal Opinion Confirming December Election of Officers, for Informational Purposes Only	10
13. Set Shrimp Public Hearing and May 1995 Meeting Date	11
14. Public Comments	12
15. Adjourn	12

MINUTES OF THE MEETING  
OF  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, January 5, 1995

Chairman Jeff Schneider presiding.

Peter Vujnovich  
Jerald Hanchey  
Joseph B. Cormier  
Tee John Mialjevich  
Perry Gisclair  
Glynn Carver

Secretary Joe L. Herring was also present.

Chairman Schneider began the meeting wishing everyone a Happy New Year. Then he introduced and welcomed Mr. Glynn Carver from Many, Louisiana, to the Commission replacing Commissioner Bert Jones. Commissioner Carver holds degrees in biology and is owner of several outdoor businesses. Commissioner Carver stated he was glad to be on board and to have the opportunity to work with the Department.

Chairman Schneider called for a motion for approval of the December 1, 1994, Commission Minutes. A motion for approval was made by Commissioner Cormier and seconded by Commissioner Hanchey. Commissioner Mialjevich objected to the motion because of the discussion to be held on the Election of Officers. Chairman Schneider then called for the vote. The motion tied three to three with Commissioner Hanchey abstaining. Commissioner Cormier made another motion that the minutes be accepted with necessary corrections being made at a later date. This motion died for a lack of a second.

Moratorium Update and Possible Declaration of Emergency and Notice of Intent began with Commissioner Mialjevich asking if an answer was received from the Attorney General. Secretary Herring stated the Attorney General's office was still working on a response. Then Commissioner Mialjevich made a motion to notify the Governor, by letter, stating the importance of an Attorney General's opinion and to request him to take some action so the Commission can proceed with this issue. Commissioner Vujnovich seconded the motion and it passed with unanimous vote. Chairman Schneider then asked Secretary Herring to draft a letter to the Governor for signature.

The November Aircraft Report was presented by Mr. Lee Caubarreux. This report showed four pilots flew a total of 96.0 hours for the month, along with the breakdown for the different

planes, the estimated cost, the actual cost and the Commission's method. The individual flight logs were also listed in the report.

**Catfish Task Force - Proposed Structure** was presented by Mr. Corky Perret. Mr. Perret stated, at the December meeting, a copy of the make-up of the Task Force was presented and was again given to the Commissioners at this meeting. He then asked for the Commission's approval. Commissioner Mialjevich stated the Task Force had too many voting members; then he asked that only the six commercial catfishermen and six catfish dealers/processors be voting members with the others as non-voting, advisory members. Mr. Perret explained why the voting members of the Task Force were drawn as it was and how it related to the resolution approved by the Commission. Commissioner Mialjevich stated again that 12 or less voting members was enough for the Task Force in order to make it a controllable group. Secretary Herring then asked Commissioner Mialjevich if he wanted to take two members off the commercial catfishermen and two off the dealers/processors? Then Commissioner Mialjevich made a motion to leave the composition of the Task Force as it was but have the six commercial catfishermen and six dealers/processors as the only voting members. Secretary Herring commented there were a lot of recreational catfishermen in the state and they should have a say in this issue. He then recommended taking two members off the commercial catfishermen and two off the dealer/processors and there would be a good representation there. Commissioner Hanchey asked Commissioner Mialjevich why not cut the commercial catfishermen and the catfish dealers/processors to only two? Commissioner Mialjevich then explained why he was so adamant in only wanting the commercial catfishermen to vote on the Task Force. Chairman Schneider reminded Commissioner Mialjevich that he made the request to have an overall plan for catfish and recommended that the Task Force be fair and equitable. Again, Commissioner Mialjevich made his motion to accept the make-up of the Task Force but that the six commercial catfishermen and six commercial dealers/processors be the only voting members. This motion died for a lack of a second. Commissioner Mialjevich then made a motion to accept the Department's recommendation as it was. This was seconded by Commissioner Cormier and passed with Commissioner Mialjevich opposing. Chairman Schneider asked that the Task Force reach its decisions by the method of consensus. Discussion between Mr. Don Puckett and the Commissioners on consensus method versus majority rule was held at this time. Mr. Puckett suggested the Commission should make it known that the Task Force's decision are by majority vote. Commissioner Cormier made a motion to add to the Department's recommendation, the decisions reached are by majority rule. Commissioner Carver seconded the motion and it was approved with no opposition. Mr. Perret asked that the start of the year, for the plan to be final, be January, but Chairman Schneider felt the start of the year should be when the Task Force held its first meeting. Commissioner Cormier asked if the formal appointments would be made before the February Commission Meeting. Mr. Bennie Fontenot stated the approval with

the Task Force was received a month later than was anticipated and thus this information probably would not be available for the February Meeting. Commissioner Gisclair asked if the letters to be sent out were for those who might be interested in serving on the Task Force? Commissioner Mialjevich requested receiving a copy of the letters that were sent.

**Declaration of Emergency to Extend Calcasieu Lake Oyster Season & Adjust Daily Take Limits** was made by Mr. John Roussel. The oyster season was originally set at the August 1994 meeting with the Calcasieu season set for November 1, 1994 through March 30, 1995. Prior to that opening date, the Health Department issued a closure which delayed the season for approximately one month. Mr. Roussel then requested the Commission approve the closure date be extended for one month and raise the daily take limit to fifteen bushel sacks per day. Chairman Schneider asked if the Declaration of Emergency needed a reason for imminent peril? Mr. Puckett stated there was a special provision for setting seasons that gives the Commission authority to use emergency procedures. Then Chairman Schneider asked Mr. Roussel to read the Resolution and Declaration of Emergency. Commissioner Mialjevich made a motion to accept the Resolution and Declaration of Emergency.

Representative Randy Roach stated the decision to close the season was made by the Office of Public Health the day before the opening date and has created a hardship on the people in that area. Then he asked the Commissioners to recognize the economic impact this closure has had by passing the Declaration of Emergency. Mr. Roussel stated the Department received letters from Representative Roach and Senator Cox endorsing this action.

A representative from Senator Cox's office stated he endorsed what Representative Roach had said. The motion was seconded by Commissioner Vujnovich and passed with no opposition. Secretary Herring thanked Representative Roach and Senator Cox for their help on this issue and other projects dealing with the Department.

(The full text of the Resolution and Declaration of Emergency is made a part of the record.)

#### RESOLUTION

##### CALCASIEU LAKE OYSTER SEASON & DAILY TAKE LIMIT

**WHEREAS,** the 1994/95 oyster season in Calcasieu Lake has been closed for the entire month of November due to a precautionary health closure, and

**WHEREAS,** the oyster resources on the Calcasieu Lake Public Oyster Grounds have been surveyed and samples indicate that



there is a significant oyster resource on the public grounds, and

WHEREAS, R.S. 56:435.1 G. and H. allows for compensation for health closures, and

WHEREAS, R.S. 56:6(25)(a) allows the Commission to set daily take limits, now

BE IT RESOLVED, that the 1994/95 oyster season in Calcasieu Lake shall be extended through April 30, 1995, and

BE IT FURTHER RESOLVED, that effective January 6, 1995 and for the remainder of the oyster season in Calcasieu Lake, the daily take limit shall be fifteen one and one-half bushel sacks per boat per day.

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John F. "Jeff" Schneider  
Chairman, La. Wildlife &  
Fisheries Commission

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Joe L. Herring  
Secretary, La. Department of  
Wildlife and Fisheries

#### DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and 967 and under the authority of R.S. 56:6(25)(a) and R.S. 56:435.1, notice is hereby given that the Wildlife and Fisheries Commission finds that imminent peril to the public welfare exists and hereby adopts the following emergency rule.

The 1994/95 oyster season in Calcasieu Lake shall be extended through April 30, 1995 and effective January 6, 1995 and for the remainder of the 1994/95 season in Calcasieu Lake the daily take limit shall be fifteen one and one-half bushel sacks per boat per day.

John F. "Jeff" Schneider  
Chairman

Mr. Harry Blanchet made the presentation on the Ratification of the Mullet Roe Season. The final rule would modify the opening date of the "roe" season from October 15 to the third Monday in October. Mr. Blanchet then read the Rule for the record as requested by Chairman Schneider. Commissioner Mialjevich asked Mr. Blanchet to explain the differences between the "pre-ro"e", "roe" and "non-ro"e" seasons. Then he asked if the Department had received any calls on changing the 1500 pound "non-ro"e" limit? Commissioner Gisclair asked if any reports had been received on the

"roe" season and what were the prices running? Hearing no further questions, the Rule was unanimously approved by the Commission.

(The full text of the Rule is made a part of the record.)

#### RULE

#### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission does hereby amend a Rule (Title 76, Part VII, Chapter 3, Section 343(A)) changing the opening date for the "roe" mullet season from October 15 to the third Monday in October. Authority for adoption of this Rule is included in R.S. 56:6(25)(a), 56:326.3 and 56:333.

#### Title 76

#### WILDLIFE AND FISHERIES

#### Part VII. Fish and Other Aquatic Life

#### Chapter 3. Saltwater Sport and Commercial Fishery

#### §343. Mullet Daily Take

A. Seasons: A framework of seasons is hereby set for the harvest of mullet. A "pre-ro" season is set to run from 12:01 a.m. September 15 until 12:00 p.m. (midnight) of the Sunday preceding the third Monday in October of each year. A "roe" season is set to run from 12:01 a.m. of the third Monday in October until 12:00 p.m. (midnight) January 14 of the following year. A "non-ro" season is set to run from 12:01 a.m. January 15 until 12:00 p.m. (midnight) September 14 of each year.

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John F. "Jeff" Schneider  
Chairman

Mr. Harry Blanchet then presented a Resolution to Give Secretarial Authority to Close Spotted Seatrout Season. This resolution was an annual resolution that would give Secretary Herring the authority to close the commercial spotted seatrout

season when the quota was reached. Three hundred thousand pounds of the million pound quota have been harvested and the Department projected the season to close this spring. Chairman Schneider asked if the landing information was being received from the federal government; and, do the feds get their own landing numbers? Then Chairman Schneider asked Mr. Blanchet to read the Therefore Be It Resolved portion of the Resolution. Commissioner Mialjevich made a motion to accept the Resolution. Commissioner Gisclair seconded the motion and it passed with no opposition.

(The full text of the Resolution is made a part of the record.)

#### RESOLUTION

##### Commercial Harvest of Spotted Seatrout Louisiana Wildlife and Fisheries Commission

- WHEREAS, the Wildlife and Fisheries Commission has established a Rule as Title 76, Part VII, Chapter 3, Section 341, effective February 20, 1992, providing management measures for spotted seatrout harvest, and
- WHEREAS, this Rule declares that the quota for the commercial harvest of spotted seatrout shall be one million pounds, and
- WHEREAS, this Rule also declares the commercial season for spotted seatrout shall begin at 12:01 a.m. on September 15 of each year, and
- WHEREAS, this Rule provides that the commercial season for spotted seatrout shall be closed each year at 12:01 a.m. May 1, or when the quota has been reached, or when the staff of the Department of Wildlife and Fisheries predicts the one million pound quota will be met, whichever comes first, and
- WHEREAS, Department of Wildlife and Fisheries biologists, based on historical landings and cumulative commercial harvest to date, project that the spotted seatrout quota may be reached during the month of April, 1995, and
- WHEREAS, updated harvest figures could cause the Department of Wildlife and Fisheries biologists to revise their projections, now
- THEREFORE BE IT RESOLVED, by the Louisiana Wildlife and Fisheries Commission that the Secretary of the Department of Wildlife and Fisheries is hereby authorized and directed to close the commercial fishery for spotted seatrout on

the date the quota is projected to be reached as provided in Commission Rule, and

**BE IT FURTHER RESOLVED**, that notice to the public shall be given seventy-two hours prior to the effect of the closure, and

**BE IT FURTHER RESOLVED**, that the purchase, barter, trade, or sale of spotted seatrout taken from Louisiana waters after the closure is prohibited, and

**BE IT FURTHER RESOLVED**, that the commercial taking or landing of spotted seatrout in Louisiana, whether caught within or without the territorial waters of Louisiana, after the closure is prohibited, and

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**BE IT FURTHER RESOLVED**, that nothing shall prohibit the possession of fish legally taken prior to the closure.

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John F. "Jeff" Schneider  
Chairman, Wildlife & Fisheries  
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Joe L. Herring  
Secretary, Department of  
Wildlife & Fisheries

JANUARY 5, 1995

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The Monthly Law Enforcement Report for December was given by Col. Winton Vidrine. The following numbers of citations were issued during the month of December.

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The **Secretary's Report** to the Commission was given by Secretary Herring and pertained to the highlights for the year 1994. He began wishing everyone a Happy New Year and hoped for as good or even better year in 1995. He also thanked everyone involved for their help with the different programs.

During 1994, it was realized the wildlife and fisheries resources have recovered well from Hurricane Andrew. Several million fish were stocked in the Atchafalaya Basin and reforestation on Department-owned lands has occurred.

The Environmental Education Center at Woodworth was dedicated the same day as the November Commission meeting. Also, a ground breaking ceremony was held to construct a new fish hatchery that, when finished, would be 100 percent federally funded. The old Beechwood Fish Hatchery started its renovations during the year and was now at 92 percent completion.

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The first program on Becoming an Outdoors Woman was held at Camp Grant Walker with 110 participants. The three day seminar was a real success and there already is a full class for the April 1995 seminar.

Another first time program was Bring Your Daughter to Work which allowed employees to bring their daughters to work. Classroom activities were shown in order to let the girls know what their parents do at Wildlife and Fisheries.

The Information & Education Division produced 358 News Releases, which referred to general news releases and news features. There were 512 Hunter Education courses taught with 20,404 students participating; 65 Bow Hunter Education with 1,936 students; 139 Aquatic Education with 7,081 students; and 44 Project Wild classes with 1,020 students. Also, 5,662 people came into the Library in Baton Rouge for literature and other items of information.

The Department was the first state agency to contract with an attorney to conduct a Fair Labor Standards Audit. The study was completed in 1994 and forwarded to all employees. Other agencies are doing the same study. The Equal Employment Opportunity Coordinator began a program in local high schools, colleges and universities in order to entice minority students to study wildlife for possible employment in the state.

Land donations during 1994 included former Commission Member Sonny Gilbert donating 140 acres which joined the Three Rivers WMA. Also, the William Guste Heirs donated 2,000 acres which joined the Joyce WMA. Through the Farm Home Administration, 850 acres was acquired.

A contract was issued in 1994 to an individual to write a Wildlife Viewing Guide. It was hoped the publication would be ready for distribution by the end of 1995.

The Department struggled to get a better duck season and was successful in getting more days for the duck season but did not succeed in getting an increase in the bag limit. It is hoped this may occur for the 1995 season.

In 1994, 110,000 cubic yards of oyster clutch was planted. Fifteen new artificial reefs were placed in the Gulf of Mexico by oil companies.

The Aquatic Plant Section sprayed 40,571 acres of water hyacinths by boat and aerial application.

Secretary Herring concluded the Department did make a lot of progress in 1994 and then thanked everyone associated with the Department during 1994. Chairman Schneider stated it was amazing how much work went on in the Department over a years time. Then he thanked all the employees for their work over the past year. Commissioner Cormier thanked Secretary Herring and the Department for initiating an education program in Lafayette.

**Legal Opinion Confirming December Election of Officers, for Informational Purposes Only,** began with Commissioner Mialjevich asking about the election in December. Mr. Don Puckett explained the events that took place after the December Commission Meeting. He looked at the election procedure issue, consulted with a parliamentarian and concluded the procedure was irregular. This conclusion prompted a Special Commission Meeting. Since there was not a quorum at the Special Meeting, no action was taken. Mr. Puckett decided he would look back at all of the rules, the election as well as points of order, and concluded the December election was valid. He again consulted with a parliamentarian and she also felt the election was valid. Secretary Herring stated he asked for another opinion and then presented a copy of Mrs. John Prinz's opinion. Chairman Schneider asked Mr. Puckett if he had seen the new opinion?

After reviewing the different opinions, Chairman Schneider decided to accept the ruling of the Parliamentarian and Department Attorney and found the December election was valid and binding. Commissioner Mialjevich appealed the ruling stating the difference between the two Parliamentarians and their explanations. He then made a motion to return the item to the agenda, to discuss the options and hold another election. Commissioner Gisclair seconded Commissioner Mialjevich's motion. Chairman Schneider asked what should be considered first, the appeal or putting the item back on the agenda, and what was the proper procedure for an appeal? Mr. Puckett informed the Commissioners this would be a debatable appeal. Commissioner Mialjevich began the debate stating he felt there was no election held at the December Meeting. Also, the fact that there was a vote on the substitute motion was wrong stated Commissioner Mialjevich. Commissioner Cormier stated the Commission has been voting on substitute motions for two years and they take precedence over original motions. He then stated the Commission already had Mr. Puckett's opinion, but if another opinion was necessary it should come from the Attorney General. Chairman Schneider stated Commissioner Cormier was raising a point of order to which Mr. Puckett stated the way to object to the appeal would be to vote against the appeal. Commissioner Gisclair explained to Commissioner Cormier that a substitute motion could not be made in an election according to Robert's Rules of Order. Commissioner Cormier stated he should abide by the ruling the Department's attorney made. Commissioner Gisclair reminded Commissioner Cormier that Mr. Puckett was the one who felt a Special Meeting needed to be held. Hearing no further debate,

Chairman Schneider called for the vote on the appeal. Commissioner Hanchey, Commissioner Carver, Commissioner Vujnovich, Commissioner Mialjevich and Commissioner Gisclair voted for the appeal and thus it passed.

Mr. Puckett stated that since the Commissioners voted the election was invalid, any other motions would have to be entertained. Commissioner Mialjevich made a motion to put on the agenda, Election of Officers. This motion was seconded by Commissioner Gisclair. Mr. Puckett explained that since the item was not on the agenda, a two-thirds vote would be needed to place the item on the agenda. Commissioner Cormier asked who legally invalidated the December election. Chairman Schneider stated the results from the vote on the appeal made that determination. Voting to place the item on the agenda were Commissioner Hanchey, Commissioner Carver, Commissioner Mialjevich, Commissioner Vujnovich and Commissioner Gisclair and it also passed. Chairman Schneider then asked if he should take nominations for office? Mr. Puckett recommended that nominations be taken for Chairman and that the votes be taken in the order the nominations were made. Chairman Schneider then stated the floor was open for nominations for Chairman. Commissioner Mialjevich nominated Commissioner Gisclair for Chairman. Commissioner Cormier nominated Chairman Schneider for Chairman. Hearing no further nominations, the nominations were closed. Commissioner Hanchey, Commissioner Carver, Commissioner Vujnovich, Commissioner Mialjevich and Commissioner Gisclair voted Commissioner Gisclair for Chairman. Those voting for Chairman Schneider to be Chairman were Commissioner Cormier and Chairman Schneider. With the vote of five to two, Commissioner Gisclair was elected Chairman of the Commission for 1995. Then Chairman Schneider opened the nominations for Vice-Chairman. Commissioner Hanchey nominated Commissioner Carver for Vice-Chairman. Chairman Schneider nominated Commissioner Cormier to which he respectfully declined. Commissioner Carver received six votes for his nomination as Vice-Chairman for 1995.

Mr. Puckett stated that if any Commissioners had any questions on the proceedings, they should be presented immediately. Chairman Schneider stated he questioned the election and would probably file suit. Commissioner Cormier stated he respected those elected, but felt this was not handled properly. If anyone had questions on the election in December, those questions should have been raised in December.

Mr. Corky Perret began the discussion to Set the Shrimp Public Hearing and May 1995 Meeting Date. He stated the President of Nicholls State University has offered a conference room on the campus free of charge for the May Commission Meeting. Commissioner Gisclair made a motion to accept Thursday, May 4, 1995 at Nicholls University, Thibodaux, Louisiana for the May Commission Meeting and

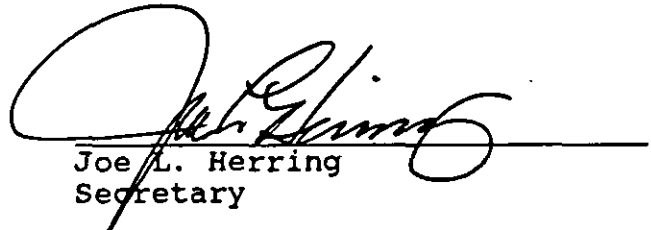


Shrimp Public Hearing. This motion was seconded by Commissioner Mialjevich and passed with no opposition.

Chairman Schneider asked for Public Comments. Mr. Pat Richardson with the Louisiana Bass Hatchery, stated they have worked with the Department in a cooperative effort and have contributed between 600,000 and 700,000 bass fingerlings for restocking purposes. Mr. Richardson wished to express his appreciation for the cooperation with the Department and Dow Chemical Company and looked forward to working with the Department in the future.

Mr. John Eckley, Louisiana Coalition of Citizens with Disabilities and Louisiana Sportsmen Outdoorsmen with Disabilities, thanked the Department and the agents for the hunts held for the disabled this year. Mr. Eckley hoped to see some legislation that would allow other states to honor Louisiana licenses acquired by disabled hunters. Secretary Herring stated he appreciated Mr. Eckley speaking and then he noted another organization, NORA which was formed in Louisiana, has also worked with the Department. Willamette Lumber Company has leased NORA some land in Winn Parish for handicapped hunters. Secretary Herring also stated that piers to be built with Wallop-Breaux funds would be constructed with handicapped persons in mind.

There being no further business, Commissioner Cormier made a motion to Adjourn the meeting, seconded by Commissioner Gisclair and was approved by all.

  
Joe L. Herring  
Secretary

JLH:sch

MINUTES OF THE MEETING  
OF

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, January 5, 1995

Chairman Jeff Schneider presiding.

Peter Vujnovich  
Jerald Hanchey  
Joseph B. Cormier  
Tee John Mialjevich  
Perry Gisclair  
Glynn Carver

Secretary Joe L. Herring was also present.

Chairman Schneider began the meeting wishing everyone a Happy New Year. Then he introduced and welcomed Mr. Glynn Carver from Many, Louisiana, to the Commission replacing Commissioner Bert Jones. Commissioner Carver holds degrees in biology and is owner of several outdoor businesses. Commissioner Carver stated he was glad to be on board and to have the opportunity to work with the Department.

Chairman Schneider called for a motion for approval of the **December 1, 1994, Commission Minutes**. A motion for approval was made by Commissioner Cormier and seconded by Commissioner Hanchey. Commissioner Mialjevich objected to the motion because of the discussion to be held on the Election of Officers. Chairman Schneider then called for the vote. The motion tied three to three with Commissioner Hanchey abstaining. Commissioner Cormier made another motion that the minutes be accepted with necessary corrections being made at a later date. This motion died for a lack of a second.

**Moratorium Update and Possible Declaration of Emergency and Notice of Intent** began with Commissioner Mialjevich asking if an answer was received from the Attorney General. Secretary Herring stated the Attorney General's office was still working on a response. Then Commissioner Mialjevich made a motion to notify the Governor, by letter, stating the importance of an Attorney General's opinion and to request him to take some action so the Commission can proceed with this issue. Commissioner Vujnovich seconded the motion and passed with unanimous vote. Chairman Schneider then asked Secretary Herring to draft a letter to the Governor for signature.

The November **Aircraft Report** was presented by Mr. Lee Caubarreaux. This report showed four pilots flew a total of 96.0 hours for the month, along with the breakdown for the different

*Draft*  
*Corrections made*  
*1/17/95 - sch*

planes, the estimated cost, the actual cost and the Commission's method. The individual flight logs were also listed in the report.

**Catfish Task Force - Proposed Structure** was presented by Mr. Corky Perret. Mr. Perret stated, at the December meeting, a copy of the make-up of the Task Force was presented and was again given to the Commissioners at this meeting. He then asked for the Commission's approval. Commissioner Mialjevich stated the Task Force had too many voting members; then he asked that only the six commercial catfishermen and six catfish dealers/processors be voting members with the others as non-voting, advisory members. Mr. Perret explained why the voting members of the Task Force ~~was~~ <sup>were</sup> drawn as it was and how it related to the resolution approved by the Commission. Commissioner Mialjevich stated again that 12 or less voting members was enough for the Task Force in order to make it a controllable group. Secretary Herring then asked Commissioner Mialjevich if he wanted to take two members off the commercial catfishermen and two off the dealers/processors? Then Commissioner Mialjevich made a motion to leave the composition of the Task Force as it was but have the six commercial catfishermen and six dealers/processors as the only voting members. Secretary Herring commented there were a lot of recreational catfishermen in the state and they should have a say in this issue. He then recommended taking two members off the commercial catfishermen and two off the dealer/processors and there would be a good representation there. Commissioner Hanchey asked Commissioner Mialjevich why not cut the commercial catfishermen and the catfish dealers/processors to only two? Commissioner Mialjevich then explained why he was so adamant in only wanting the commercial catfishermen to vote on the Task Force. Chairman Schneider reminded Commissioner Mialjevich that he made the request to have an overall plan for catfish and recommended that the Task Force be fair and equitable. Again, Commissioner Mialjevich made his motion to accept the make-up of the Task Force but that the six commercial catfishermen and six commercial dealers/processors be the only voting members. This motion died for a lack of a second. Commissioner Mialjevich then made a motion to accept the Department's recommendation as it was. This was seconded by Commissioner Cormier and passed with Commissioner Mialjevich opposing. Chairman Schneider asked that the Task Force reach its decisions by the method of consensus. Discussion between Mr. Don Puckett and the Commissioners on consensus method versus majority rule was held at this time. Mr. Puckett suggested the Commission should make it known that the Task Force's decision are by majority vote. Commissioner Cormier made a motion to add to the Department's recommendation, the decisions <sup>it</sup> ~~reached~~ are by majority rule. Commissioner Carver seconded the motion and ~~was~~ approved with no opposition. Mr. Perret asked that the start of the year, for the plan to be final, be January, but Chairman Schneider felt the start of the year should be when the Task Force held its first meeting. Commissioner Cormier asked if the formal appointments would be made before the February Commission Meeting. Mr. Bennie Fontenot stated the approval with

the Task Force was received a month later than was anticipated and thus this information probably would not be available for the ~~February Meeting~~. Commissioner Gisclair asked if the letters to be sent out ~~was~~ <sup>were</sup> for those who might be interested in serving on the Task Force? Commissioner Mialjevich requested receiving a copy of the letters that were sent.

**Declaration of Emergency to Extend Calcasieu Lake Oyster Season & Adjust Daily Take Limits** was made by Mr. John Roussel. The oyster season was originally set at the August 1994 meeting with the Calcasieu season set for November 1, 1994 ~~and extend~~ through March 30, 1995. Prior to that opening date, the Health Department issued a closure which delayed the season for approximately one month. Mr. Roussel then requested the Commission approve the closure date be extended for one month and raise the daily take limit to fifteen bushel sacks per day. Chairman Schneider asked if the Declaration of Emergency needed a reason for imminent peril? Mr. Puckett stated there was a special provision for setting seasons that gives the Commission authority to use emergency procedures. Then Chairman Schneider asked Mr. Roussel to read the Resolution and Declaration of Emergency. Commissioner Mialjevich made a motion to accept the Resolution and Declaration of Emergency.

Representative Randy Roach stated the decision to close the season was made by the Office of Public Health the day before the opening date and has created a hardship on the people in that area. Then he asked the Commissioners to recognize the economic impact this closure has had by passing the Declaration of Emergency. Mr. Roussel stated the Department received letters from Representative Roach and Senator Cox endorsing this action.

A representative from Senator Cox's office stated he endorsed what Representative Roach had said. The motion was seconded by Commissioner Vujnovich and passed with no opposition. Secretary Herring thanked Representative Roach and Senator Cox for their help on this issue and other projects dealing with the Department.

(The full text of the Resolution and Declaration of Emergency is made a part of the record.)

#### RESOLUTION

##### CALCASIEU LAKE OYSTER SEASON & DAILY TAKE LIMIT

**WHEREAS,** the 1994/95 oyster season in Calcasieu Lake has been closed for the entire month of November due to a precautionary health closure, and

**WHEREAS,** the oyster resources on the Calcasieu Lake Public Oyster Grounds have been surveyed and samples indicate that

there is a significant oyster resource on the public grounds, and

**WHEREAS,** R.S. 56:435.1 G. and H. allows for compensation for health closures, and

**WHEREAS,** R.S. 56:6(25)(a) allows the Commission to set daily take limits, now

**BE IT RESOLVED,** that the 1994/95 oyster season in Calcasieu Lake shall be extended through April 30, 1995, and

**BE IT FURTHER RESOLVED,** that effective January 6, 1995 and for the remainder of the oyster season in Calcasieu Lake, the daily take limit shall be fifteen one and one-half bushel sacks per boat per day.

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John F. "Jeff" Schneider  
Chairman, La. Wildlife &  
Fisheries Commission

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Joe L. Herring  
Secretary, La. Department of  
Wildlife and Fisheries

#### DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and 967 and under the authority of R.S. 56:6(25)(a) and R.S. 56:435.1, notice is hereby given that the Wildlife and Fisheries Commission finds that imminent peril to the public welfare exists and hereby adopts the following emergency rule.

The 1994/95 oyster season in Calcasieu Lake shall be extended through April 30, 1995 and effective January 6, 1995 and for the remainder of the 1994/95 season in Calcasieu Lake the daily take limit shall be fifteen one and one-half bushel sacks per boat per day.

John F. "Jeff" Schneider  
Chairman

Mr. Harry Blanchet made the presentation on the **Ratification of the Mullet Roe Season**. The final rule would modify the opening date of the "roe" season from October 15 to the third Monday in October. Mr. Blanchet then read the Rule for the record as requested by Chairman Schneider. Commissioner Mialjevich asked Mr. Blanchet to explain the differences between the "pre-ro", "roe" and "non-ro" seasons. Then he asked if the Department had received any calls on changing the 1500 pound "non-ro" limit? Commissioner Gisclair asked if any reports had been received on the

"roe" season and what were the prices running? Hearing no further questions, the Rule was unanimously approved by the Commission.

(The full text of the Rule is made a part of the record.)

#### RULE

#### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission does hereby amend a Rule (Title 76, Part VII, Chapter 3, Section 343(A)) changing the opening date for the "roe" mullet season from October 15 to the third Monday in October. Authority for adoption of this Rule is included in R.S. 56:6(25)(a), 56:326.3 and 56:333.

#### Title 76

#### WILDLIFE AND FISHERIES

#### Part VII. Fish and Other Aquatic Life

#### Chapter 3. Saltwater Sport and Commercial Fishery

#### §343. Mullet Daily Take

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The first program on Becoming an Outdoors Woman was held at Camp Grant Walker with 110 participants. The three day seminar was a real success and there already is a (class full) for the April 1995 seminar.

Another first time program was Bring Your Daughter to Work which allowed employees to bring their daughters to work. Classroom activities were shown in order to let the girls know what their parents do at Wildlife and Fisheries.

The Information & Education Division produced 358 News Releases, which referred to general news releases and news features. There were 512 Hunter Education courses taught with 20,404 students participating; 65 Bow Hunter Education with 1,936 students; 139 Aquatic Education with 7,081 students; and 44 Project Wild classes with 1,020 students. Also, 5,662 people came into the Library in Baton Rouge for literature and other items of information.

The Department was the first state agency to contract with an attorney to conduct a Fair Labor Standards Audit. The study was completed in 1994 and forwarded to all employees. Other agencies are doing the same study. The Equal Employment Opportunity Coordinator began a program in local high schools, colleges and universities in order to entice minority students to study wildlife for possible employment in the state.

Land donations during 1994 included former Commission Member Sonny Gilbert donating 140 acres which joined the Three Rivers WMA. Also, the William Guste Heirs donated 2,000 acres which joined the Joyce WMA. Through the Farm Home Administration, 850 acres was acquired.

A contract was issued in 1994 to an individual to write a Wildlife Viewing Guide. It was hoped the publication would be ready for distribution by the end of 1995.

The Department struggled to get a better duck season and was successful in getting more days for the duck season but did not succeed in getting an increase in the bag limit. It is hoped this may occur for the 1995 season.

In 1994, 110,000 cubic yards of oyster clutch was planted. Fifteen new artificial reefs were placed in the Gulf of Mexico by oil companies.

The Aquatic Plant Section sprayed 40,571 acres of water hyacinths by boat and aerial application.

Secretary Herring concluded the Department did make a lot of progress in 1994 and then thanked everyone ~~that was~~ associated with the Department during 1994. Chairman Schneider stated it was amazing how much work went on in the Department over a years time. Then he thanked all the employees for their work over the past year. Commissioner Cormier thanked Secretary Herring and the Department for initiating an education program in Lafayette.

**Legal Opinion Confirming December Election of Officers**, for Informational Purposes Only, began with Commissioner Mialjevich asking about the election in December. Mr. Don Puckett explained the events that took place after the December Commission Meeting. He looked at the election procedure issue, consulted with a parliamentarian and concluded the procedure was irregular. This conclusion prompted a Special Commission Meeting, ~~should be held~~. Since there was not a quorum at the Special Meeting, no action was taken. Mr. Puckett decided he would look back at all of the rules, the election as well as points of order, and concluded the December election was valid. He again consulted with a parliamentarian and she also felt the election was valid. Secretary Herring stated he asked for another opinion and then presented a copy of Mrs. John Prinz's opinion. Chairman Schneider asked Mr. Puckett if he had seen the new opinion?

After reviewing the different opinions, Chairman Schneider decided to accept the ruling of the Parliamentarian and Department Attorney and found the December election was valid and binding. Commissioner Mialjevich appealed the ruling stating the difference between the two Parliamentarians and their explanations. He then made a motion to return the item to the agenda, to discuss the options and hold another election. Commissioner Gisclair seconded Commissioner Mialjevich's motion. Chairman Schneider asked what should be considered first, the appeal or putting the item back on the agenda, and what was the proper procedure for an appeal? Mr. Puckett informed the Commissioners this would be a debatable appeal. Commissioner Mialjevich began the debate stating he felt there was no election held at the December Meeting. Also, the fact that there was a vote on the substitute motion was wrong stated Commissioner Mialjevich. Commissioner Cormier stated the Commission has been voting on substitute motions for two years and they take precedence over original motions. He then stated the Commission already had Mr. Puckett's opinion, but if another opinion was necessary it should come from the Attorney General. Chairman Schneider stated Commissioner Cormier was raising a point of order to which Mr. Puckett stated the way to object to the appeal would be to vote against the appeal. Commissioner Gisclair explained to Commissioner Cormier that a substitute motion could not be made in an election according to Robert's Rules of Order. Commissioner Cormier stated he should abide by the ruling the Department's attorney made. Commissioner Gisclair reminded Commissioner Cormier that Mr. Puckett was the one who felt a Special Meeting needed to be held. Hearing no further debate,

Chairman Schneider called for the vote on the appeal. Commissioner Hanchey, Commissioner Carver, Commissioner Vujnovich, Commissioner Mialjevich and Commissioner Gisclair voted for the appeal and thus it passed.

Mr. Puckett stated that since the Commissioners voted the election was invalid, any other motions would have to be entertained. Commissioner Mialjevich made a motion to put on the agenda, Election of Officers. This motion was seconded by Commissioner Gisclair. Mr. Puckett explained that since the item was not on the agenda, a two-thirds vote would be needed to place the item on the agenda. Commissioner Cormier asked who legally invalidated the December election. Chairman Schneider stated the results from the vote on the appeal made that determination. Voting to place the item on the agenda were Commissioner Hanchey, Commissioner Carver, Commissioner Mialjevich, Commissioner Vujnovich and Commissioner Gisclair and it also passed. Chairman Schneider then asked if he should take nominations for officers? Mr. Puckett recommended that nominations be taken for Chairman and that the votes be taken in the order the nominations were made. Chairman Schneider then stated the floor was open for nominations for Chairman. Commissioner Mialjevich nominated Commissioner Gisclair for Chairman. Commissioner Cormier nominated Chairman Schneider for Chairman. Hearing no further nominations, the nominations were closed. Commissioner Hanchey, Commissioner Carver, Commissioner Vujnovich, Commissioner Mialjevich and Commissioner Gisclair voted Commissioner Gisclair for Chairman. Those voting for Chairman Schneider to be Chairman were Commissioner Cormier and Chairman Schneider. With the vote of five to two, Commissioner Gisclair was elected Chairman of the Commission for 1995. Then Chairman Schneider opened the nominations for Vice-Chairman. Commissioner Hanchey nominated Commissioner Carver for Vice-Chairman. Chairman Schneider nominated Commissioner Cormier to which he respectfully declined. Commissioner Carver received six votes for his nomination as Vice-Chairman for 1995.

Mr. Puckett stated that if any Commissioners had any questions on the proceedings, they should be presented immediately. Chairman Schneider stated he questioned the election and would probably file suit. Commissioner Cormier stated he respected those elected, but felt this was not handled properly. If anyone had questions on the election in December, those questions should have been raised in December.

Mr. Corky Perret began the discussion to **Set the Shrimp Public Hearing and May 1995 Meeting Date.** He stated the President of Nicholls State University has offered a conference room on the campus free of charge for the May Commission Meeting. Commissioner Gisclair made a motion to accept Thursday, May 4, 1995 at Nicholls University, Thibodaux, Louisiana for the May Commission Meeting and

Shrimp Public Hearing. This motion was seconded by Commissioner Mialjevich and passed with no opposition.

Chairman Schneider asked for **Public Comments**. Mr. Pat Richardson with the Louisiana Bass Hatchery, stated they have worked with the Department in a cooperative effort and have contributed between 600,000 and 700,000 bass fingerlings for restocking purposes. Mr. Richardson wished to express his appreciation for the cooperation with the Department and Dow Chemical Company and looked forward to working with the Department in the future.

Mr. John Eckley, Louisiana Coalition of Citizens with Disabilities and Louisiana Sportsmen Outdoorsmen with Disabilities, thanked the Department and the agents for the hunts held for the disabled this year. Mr. Eckley hoped to see some legislation that would allow other states to honor Louisiana licenses acquired by disabled hunters. Secretary Herring stated he appreciated Mr. Eckley speaking and then he noted another organization, NORA which was formed in Louisiana, has also worked with the Department. Willamette Lumber Company has leased NORA some land in Winn Parish for handicapped hunters. Secretary Herring also stated that piers to be built with Wallop-Breaux funds would be constructed with handicapped persons in mind.'

There being no further business, Commissioner Cormier made a motion to **Adjourn** the meeting, seconded by Commissioner Gisclair and was approved by all.

---

Joe L. Herring  
Secretary

JLH:sch

The Times  
Picayune  
N.O., LA  
Jan. 6, 1995

# Wildlife commission changes leadership

By BOB MARSHALL  
Outdoors editor

In a surprise move Thursday, appointees of Gov. Edwards orchestrated a shakeup on the Wildlife and Fisheries Commission, sending chairmanship of that key panel to commercial fishing interests for the first time since 1988.

By a 5-2 vote, the commission decided to invalidate last month's re-election of Jeff Schneider as chairman on grounds parliamentary procedure was not followed. It then elected Commissioner Perry Gisclair, a commercial fisherman, its chairman.

Glenn Carver, a lure manufacturer from Many appointed to the commission this month by Gov. Edwards, voted for the change. He was voted vice chairman of the panel.

Schneider said he probably would file a court challenge.

"First of all, I think what happened here today was illegal — that the vote in December was a proper one," Schneider said. "But there also are some things that are going on behind the scenes here that need to be explored."

He did not elaborate.

Thursday's events were set in place at the December meeting, when the panel was to elect officers for the following year. Commissioner T. John Mialjevich nominated Pete Vujnovich chairman. Mialjevich, Gisclair and Vujnovich hold the three seats mandated to coastal commercial fishing interests.

Bert Jones, serving his last meeting as a commissioner, offered a substitute motion, nominating chairman Schneider. The panel voted for the substitute

motion, 4-3, with Ray Hanchey and Joseph Cormier, both of Lafayette, joining Jones and Schneider.

Mialjevich contacted commission attorney Don Puckett for an opinion on the election procedure, Puckett said. When Puckett concluded parliamentary procedure had not been followed, an emergency meeting was called to hold the election again. However, a quorum could not be raised, and the issue was placed on the January agenda.

Initially Thursday, the status quo seemed safe. Puckett provided a written opinion from a parliamentarian saying that, while proper procedure had not been followed, the election should stand since the intent of the panel, Schneider's re-election, had been realized.

At that point, Department of Wildlife and Fisheries Secretary Joe Herring said he had sought the opinion of a second parliamentarian. This opinion, dated Thursday, said the election was invalid.

Two members of Gov. Edwards' staff, top aides Andrew Martin and Connie Khoury, were present. Herring, who had consulted with Martin, said he sought a second opinion after his attorney had provided one "because I thought it would be good to have." Herring was appointed by Gov. Edwards.

The vote to void Schneider's re-election and elect Gisclair 5-2: Hanchey, appointed by Gov. Edwards last year, changed his vote from Schneider to Gisclair and was joined by Carver and the three commercial representatives.

Carver said he voted for the change because he thought "the opinion of the parliamentarian who said the previous election was invalid was clearly correct."

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# LWFC overturns Schneider election; Gisclair takes over

By JOE MACALUSO  
Advocate outdoors writer

After a month of wrangling, the Louisiana Wildlife and Fisheries Commission overturned the December election of chairman Jeff Schneider, and voted Golden Meadow shrimp wholesaler Perry Gisclair this year's chairman.

The vote dominated the proceedings at Thursday's monthly meeting.

Commission member Tee John Mialjevich disputed December's vote when Schneider and J.B. Cormier were elected to second respective term as chairman and vice-chairman. That vote came when former commission member Bert Jones offered a "substitute nomination" of Schneider and Cormier after Mialjevich had nominated New Orleans oysterman Pete Vujnovich for the chairmanship.

Schneider heard Mialjevich's appeal Thursday, along with opinion of Department of Wildlife and Fisheries attorney Don Puckett, who cited a opinion by Joyce C. Lovett, a registered parliamentarian residing in St. Amant, that said the election was valid.

An opinion produced by Department of Wildlife and Fisheries secretary Joe Herring from Jefferson parliamentarian Mrs. John Prinz indicated the election wasn't valid. Prinz wrote that the election should be held again and that Schneider should not vote.

Schneider ruled in favor of Puckett, but a further appeal by Mialjevich produced enough votes to put the item on the agenda.

Gisclair and Glynn Carver, who was attending his first meeting as Jones' replacement, were elected chairman and vice-chairman, respectively.

"I don't agree with the way this matter was handled and it might come to filing some sort of legal action," Schneider said. "I owe it to Bert Jones to do that."

Schneider, a farmer and landowner from Tangipahoa, Parish, later said he was premature to suggest legal action, but did not rule it out.

"This kind of action doesn't hurt me. It hurts Louisiana," Schneider said.

Mialjevich was behind another legal maneuver over an agenda item. This one involved a moratorium on the issuance of commercial finfish net licenses.

At the December meeting, the commission asked for a ruling from the Attorney General's office as to whether it had the power to enact the moratorium. Herring reported that the AG's office was still researching the question.

Mialjevich sought, and received, approval from the commission to send a letter to Gov. Edwin Edwards, "to see if he (Edwards) can take some action to help in this matter."

"This is a grave issue," Mialjevich said.

Mialjevich is behind a commercial fishing interests push to limit the number of commercial licenses sold after Florida voters banned the use

## State hunters get OK to use bismuth shot

By JOE MACALUSO  
Advocate outdoors writer

Louisiana waterfowl hunters will be able to use bismuth shot for the remainder of the duck and goose seasons.

After filing the approval for the use of the non-toxic alternative to steel shot in the Federal Register, the U.S. Fish and Wildlife Service gave the OK Tuesday. The shot filling the shells is made of a bismuth-tin alloy.

The Bismuth Cartridge Company, the only U.S. manufacturer, is located in Dallas. Spokesman Skutch Mason said the response has overwhelmed the company's staff.

"We're making some hits already," Mason said Thursday. "We're getting the first reports from duck and goose hunters who say the product is living up to the performance claims we made."

Since the late 1980s when steel shot became mandatory for hunting waterfowl, hunters have complained that steel is inferior to the outlawed lead shot for waterfowl hunting. Hunters said steel cripples too many birds. Mason said the bismuth-tin alloy gives hunters back the traits of lead shot.

State enforcement assistant chief Charlie Clark said hunters should be aware that the new shells are approved for this season only.

Mason said further tests are being conducted for for the 1995-96 waterfowl season.

of all entangling nets in that state effective July 1 of this year. Commercial interests are fearful that Florida netters will invade Louisiana waters.

In other action, the commission authorized Herring to close the commercial speckled trout season when the 1 million pound quota is reached.

State biologist Harry Blanchet said LDWF figures showed a catch of 312,000 pounds since the commercial season opened Sept. 15, 1994.

The LWFC also approved an extension of the Calcasieu Lake oyster season through April 30 with an increase from 10 to 15 in the daily number of 1½ bushel sacks of oysters than can be taken from that area.

Also approved was a May 4 date and the Nicholls State campus in Thibodaux as the site for the annual inshore spring shrimp hearings and meeting date.

## AGENDA

LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
BATON ROUGE, LA  
January 5, 1995  
10:00 AM

1. Roll Call
2. Approval of Minutes of December 1, 1994
3. Moratorium Update and Possible Declaration of Emergency and Notice of Intent - Tee John Mialjevich
4. Aircraft Report - Lee Caubarreaux
5. Catfish Task Force - Proposed Structure - Bennie Fontenot
6. Ratification of Mullet Roe Season - Harry Blanchet
7. Resolution to Give Secretarial Authority to Close Spotted Seatrout Season - Harry Blanchet
8. Declaration of Emergency to Extend Calcasieu Lake Oyster Season & Adjust Daily Take Limits - Ron Dugas
9. Civil Restitution/Class 1 Update - Wynnette Kees
10. Enforcement Report/December - Winton Vidrine
11. Secretary's Report to the Commission - Joe Herring
12. Legal Opinion Confirming December Election of Officers, for Informational Purposes Only - Don Puckett
13. Set Shrimp Public Hearing and May 1995 Meeting Date
14. Public Comments
15. Adjourn



AGENDA

LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
BATON ROUGE, LA  
January 5, 1995  
10:00 AM

1. Roll Call
2. Approval of Minutes of December 1, 1994 *unapproved*
3. Moratorium Update and Possible Declaration of Emergency and Notice of Intent - Tee John Mialjevich
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8. Declaration of Emergency to Extend Calcasieu Lake Oyster Season & Adjust Daily Take Limits - Ron Dugas *Rep. Reach County*
9. Civil Restitution/Class 1 Update - Wynnette Kees
10. Enforcement Report/December - Winton Vidrine
11. Secretary's Report to the Commission - Joe Herring
12. Legal Opinion Confirming December Election of Officers, for Informational Purposes Only - Don Puckett
13. Set Shrimp Public Hearing and May 1995 Meeting Date 5-4-95 *MR. Richardson Comments*
14. Public Comments
15. Adjourn

*Susan: On item 12 they broke up the meeting to read, consult, etc. I thought that it would be a short break but it wasn't. I let side II roll until it ran out. So when they break (on tape) skip ahead to the head of side III.*

*OR*

# State of Louisiana



Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
Governor

January 11, 1995

Honorable Edwin W. Edwards  
Governor, State of Louisiana  
P. O. Box 94004  
Baton Rouge, LA 70804

Dear Governor Edwards:

At the January 5, 1995 meeting of the Louisiana Wildlife and Fisheries Commission, a discussion was held relative to a moratorium on the sale of commercial licenses for saltwater gill nets, seines and trammel nets. On December 1, 1994, the Commission requested an Attorney General's opinion as to whether or not they have the authority to establish such a moratorium. At its January 5, meeting the Commission had not yet received a legal opinion from the Attorney General on this matter. Consequently, they felt it inappropriate to take any action to implement a moratorium by Commission rule at that time. Instead, a motion was passed directing that a letter be sent to you "emphasizing the gravity of this moratorium, how much it's needed, and see if the Governor might be able to take some action". I have enclosed a copy of the section of the Commission minutes covering the moratorium discussion for your information.

Commissioner Mialjevich stated in this motion that, "more or less that our hands are tied in voting on a moratorium because we do not have a determination from the Attorney General on it and that we would like to let him (Governor Edwards) know that the circumstances we are in and maybe ask him if maybe he can take some action". The vote on the motion was unanimous.

On behalf of the Commission, I am writing to advise you of the action and to seek your assistance in this matter. Kindly advise if additional information is required.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joe L. Herring".

Joe L. Herring

JLH/pc

C: Commission Members  
Mr. Corky Perret, Asst. Secretary, Office of Fisheries  
Mr. Don Puckett, Attorney ✓

MORATORIUM DISCUSSION

January 5, 1995

Commissioner Mialjevich: Well, I was thinking out loud whether we should go ahead and try and pass this if I have the votes or go ahead and based on the outcome of the Attorney General's opinion, or just go ahead and wait for the Attorney General's opinion for the next meeting but go ahead and send a letter to Governor Edwards emphasizing the gravity of this moratorium, how much its needed and see if he might be able to take some action.

Commissioner Vujnovich: I'll second that if you need a second.

Commissioner Mialjevich: To send a letter to the Governor?

Commissioner Vujnovich: To send a letter to the Governor.

Commissioner Hanchey: I think that would be a great idea.

Commissioner Mialjevich: Because I got burnt once already on the catfish thing, I don't want to get burnt rescinding something again.

Chairman Schneider: All right, your motion is to send a letter to Governor Edwards and have it say what?

Commissioner Mialjevich: More or less that our hands are tied in voting on a moratorium because we did not have a determination from the Attorney General on it and that we would like to let him know that the circumstances we are in and maybe ask him if maybe he can take some action.

Chairman Schneider: Okay, that's your motion and Captain Pete, you seconded that?

Commissioner Vujnovich: Yes.

Chairman Schneider: Okay, all those in favor of the motion raise your right hand. (Everyone raised their hand for the motion.) All those opposed? (None.) Okay, it clearly passes.

## **DECLARATION OF EMERGENCY**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, and under the authority of LSA Const. Art. IX, Sec. 7, R.S. 56:6, R.S. 56:301.5 and R.S. 56:638.1 et seq., the Wildlife and Fisheries Commission hereby finds that an imminent peril to the public welfare exists and accordingly adopts the following emergency rule:

No additional 1995 gear licenses for saltwater gill nets, trammel nets or seines shall be issued; provided, however, that the Department shall issue renewal licenses to those individuals, persons, firms or corporations holding valid licenses for the 1994 license year for the above enumerated gear. This shall become effective January 5, 1995.

The Commission finds that sales of the above gear are increasing and with recent development in the Gulf region even greater levels of sales can be anticipated in the near future, which could have negative social, economic and management implications for those fisheries utilizing these gears, and which will have negative economic impacts on the fishermen currently using these gears, both of which constitute an imminent peril to the public welfare of the State.

**John "Jeff" Schneider  
Chairman**

**NOTICE OF INTENT  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION**

**TITLE 76  
WILDLIFE AND FISHERIES**

**PART VII. FISH AND OTHER AQUATIC LIFE**

**CHAPTER 3. SALTWATER SPORT AND COMMERCIAL FISHING**

**SECTION 347. LICENSE MORATORIUM: SALTWATER GILL NETS, TRAMMEL  
NETS AND SEINES**

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate a rule to prohibit the issuance of new gear licenses for saltwater gill nets, trammel nets and seines pending the establishment by the Legislature of a limited entry program for these gears; provided, however, that the Department shall issue renewal licenses to those individuals currently holding valid licenses for the above enumerated gear.

Interested persons may submit written comments relative to the proposed rule until 4:30 p.m., January 3, 1995 to Joe L. Herring, Department of Wildlife and Fisheries, Post Office Box 98000, Baton Rouge, LA 70898-9000.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:301.5.

**HISTORICAL NOTE:** Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR : ( ).

John "Jeff" Schneider  
Chairman

**RULE**  
**DEPARTMENT OF WILDLIFE AND FISHERIES**  
**WILDLIFE AND FISHERIES COMMISSION**

**TITLE 76**  
**WILDLIFE AND FISHERIES**

**PART VII. FISH AND OTHER AQUATIC LIFE**

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John "Jeff" Schneider  
Chairman

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:301.5.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR : ( ).

State of Louisiana



Joe L. Herwig  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-1800

Edwin W. Edwards  
Governor

Susan -

Please put copies of  
this in each  
Croom Memorial Jan  
1995 folder.

Also put in a pinch

John  
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An Equal Opportunity Employer

# State of Louisiana



Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
Governor

December 1, 1994

Mr. Richard P. Ieyoub  
Attorney General  
Department of Justice  
Post Office Box 94005  
Baton Rouge, LA 70804-9005

SUBJ: Commercial Gear License Moratorium

Dear General Ieyoub:

This is to request an opinion as to whether or not the Louisiana Wildlife and Fisheries Commission has the authority to promulgate a regulation which imposes a moratorium on the future sale of certain commercial fishing gear licenses (e.g., saltwater gill net, trammel net, fish seine) until such time as the Louisiana Legislature has an opportunity to study and enact a "limited entry" program.

A draft of the proposed Declaration of Emergency is enclosed for your review and consideration.

We realize the holidays are approaching but your earliest consideration of this matter would be most appreciated as this is a matter of some urgency to the Commission. A response prior to the January 5, 1995 regularly scheduled Commission meeting would be most helpful.

Of course, I and my staff will be happy to provide you with any assistance or information you deem necessary in addressing this request. Thanking you for your time and attention, I am

Sincerely,

A handwritten signature in dark ink, appearing to read "Joe L. Herring".

Joe L. Herring  
Secretary

Enclosures



## DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

**DRAFT**  
**Not In Final Form**

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, and under the authority of LSA Const. Art. IX, Sec. 7, R.S. 56:6, R.S. 56:301.5 and R.S. 56:638.1 et seq., the Wildlife and Fisheries Commission hereby finds that an imminent peril to the public welfare exists and accordingly adopts the following emergency rule:

No new (1995 license year) gear licenses for saltwater gill nets, trammel nets or seines shall be issued pending the establishment by the Legislature of a limited entry program for these gears; provided, however, that the Department shall issue renewal licenses to those individuals, persons, firms or corporations holding valid licenses for the 1994 license year for the above enumerated gear. This shall become effective January 5, 1995.

The Commission finds that sales of the above gear are increasing and even greater levels of sales are anticipated in the near future, which could have negative social, economic and management implications for those fisheries utilizing these gears, and which will have negative economic impacts on the fishermen currently using these gears, both of which constitute an imminent peril to the public welfare of the State. This prohibition on the issuance of new licenses for the above enumerated gear shall remain in effect until a limited entry program is adopted by the Louisiana Legislature.

John "Jeff" Schneider  
Chairman

# DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

**DRAFT**  
**Not In Final Form**

in accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, and under the authority of LSA Const. Art. IX, Sec. 7, R.S. 56:6, R.S. 56:301.5 and R.S. 56:638.1 et seq., the Wildlife and Fisheries Commission hereby finds that an imminent peril to the public welfare exists and accordingly adopts the following emergency rule:

<sup>additional</sup>  
No ~~new (1995 license year)~~ gear licenses for saltwater gill nets, trammel nets or seines shall be issued ~~pending the establishment by the Legislature of a limited entry program for these gears;~~ provided, however, that the Department shall issue renewal licenses to those individuals, persons, firms or corporations holding valid licenses for the 1994 license year for the above enumerated gear. This shall become effective January 5, 1995. ? - Can it be done the same day ??

The Commission finds that sales of the above gear are increasing and <sup>with recent developments in the Gulf region</sup> even <sup>can be</sup> greater levels of sales are anticipated in the near future, which could have negative social, economic and management implications for those fisheries utilizing these gears, and which will have negative economic impacts on the fishermen currently using these gears, both of which constitute an imminent peril to the public welfare of the State. ~~This prohibition on the issuance of new licenses for the above enumerated gear shall remain in effect until a limited entry program is adopted by the Louisiana Legislature.~~ HB 12/29/94

John "Jeff" Schneider  
Chairman

This needs to be coupled with a permanent rule to cover the entire license year. Need to run by license section.  
12/29/94

Dear Sir,

12-5-94

My name is Oliver H. Kelley Jr. I am president of South La. Finfishermen's Association, a group of fishermen dedicated to the conservation and preservation of Louisiana's commercial fishing industry.

We strongly believe that industry without good sound management is truly an industry destined for doom. We would like to take this opportunity to express to the commission our concern and need for the enactment of a temporary moratorium on gill net licenses for this state.

Though, as to date, we have no biological data to support the need for such action, we are trying to utilize forethought for the safety and well-being of our natural resources. Such enactment will give the industry, the commission, and enforcement much needed time to decide just where this industry is headed.

To allow this industry to accelerate at an uncontrollable rate due to a possible increase of participants from

sister states would be to turn a deaf ear to a potential problem and do nothing.

At this point in time your department, in cooperation with truly concerned commercial fishing organizations, is on the threshold of an opportunity to put in place conservative sound measures that will, without a doubt, in our minds, preserve and protect our industry from potential stress from over-fishing.

In 1991 our group proposed to the Commission the existing mullet rule. For 10 months we worked with you and the finfish committee in an attempt to put in place good sound management for this species. You understood the need, recognized the benefit, and acted. I am happy to report that 1994 has shown to be a very productive year in both quantity and quality of roe mullet for this state. Also, our food fish industry for striped mullet as a consumer product has seen no problems under our current rule. "It's working well."

We ask that you accept the moratorium proposal made by La. Seafood Management Council as this is truly an attempt to protect our industry and, first and foremost, our natural resources for future generations.

I look forward to working with you and the commission in the future. Thank you for your time.

O. H. Kelley Jr.  
P.O. Box 1372  
Buras, La. 70041  
(504) 657-5920

Sincerely,  
Oliver H. Kelley Jr.

Copies sent to:  
La. Wildlife + Fisheries Commissioners  
Governor Edwin Edwards  
Representative Kenneth Odinet  
Representative Frank Patti  
U.S. Congressman Billy Tauzin

Dear Mrs. Hawkins,

12-5-94

Enclosed is a letter to the  
commission. Please give each  
commissioner a copy in their packet  
before the Jan. meeting.

Thank you,  
Oliver H. Kelley Jr.

O. H. Kelley Jr.

P.O. Box 1372

Buras, La. 70041

(504) 657-5920

REC'D

DEC 05 '94

OFFICE OF WILDLIFE  
ASSISTANT SECRETARY

# State of Louisiana



## Department of Wildlife and Fisheries

Office of Wildlife

P.O. Box 98000

Baton Rouge, LA 70898-9000

504/765-2806

January 3, 1995

Joe L. Herring  
Secretary

Lee Caubarraux  
Assistant Secretary

Edwin W. Edwards  
Governor

### AVIATION SECTION FUNCTIONS WITHIN THE LDWF

The role of the Aviation Section in the day-to-day operations of the Louisiana Department of Wildlife and Fisheries is as diverse as the functions of the Department itself. Overall, the Section is charged with providing support service to the various divisions and sections in order to extend the Department's limited assets to provide more effective management and protection of the states valuable wildlife resources and to aid in research and monitoring of ongoing programs.

Department aircraft are at the disposal of all personnel, pending flight authorization and approval, for the purpose of performing official assignments which could not otherwise be accomplished as well, or at all, with ground transportation. Some examples of the types of missions flown are listed below.

1) Aerial surveys allow personnel to evaluate such things as marsh management programs, oil and gas activity on Department properties, mitigation projects, environmental threats, oil spills, etc.

2) Enforcement patrols in support of federal, state, and Department rules and regulations pertaining to wildlife resources.

3) Research flights allowing personnel to assess wildlife inventories and habitat and evaluate the effects of management programs already in place, as well as plan future projects.

The Department operates various types of aircraft in order to best accomplish these diverse and dissimilar missions. To date, no one type of airplane has proven to be capable of performing all missions effectively and efficiently.

# State of Louisiana



Joe L. Herring  
Secretary

William S. "Corky" Perret  
Assistant Secretary

Department of Wildlife and Fisheries  
Office of Fisheries  
P.O. Box 98000  
Baton Rouge, LA 70898-9000  
504/765-2384 2370  
December 15, 1994

Edwin W. Edwards  
Governor

## MEMORANDUM:

TO: Joe L. Herring, Secretary

FROM: Lee Caubarraux, Assistant Secretary

SUBJECT: Aviation Report - November 1994  
Total hours listed are:

PILOT	TOTAL HOURS
G. Rackle	31.1
B. Stamey	39.6
M. Windham	6.0
D. Clause	19.3
TOTAL HOURS	96.00

-0- No Flights

PLANE	FLIGHT HOURS	ESTIMATED <sup>1</sup> COST(TOTAL)	ACTUAL <sup>2</sup> COST(TOTAL)	COMMISSION METHOD
N61092 Amphib	31.1	3,642.74	2,367.47	6,498.35
70365 Float-DC	19.3	1,780.04	19,107.34	2,531.00
N2576K Float-MW	6.0	771.42	595.80	
N9467Y 210	2.1	234.65	1,126.24	434.30
N223MS Partenavia	37.5	5,892.00	3,481.70	10,218.00
N57266 Aero Commander	-			
TOTALS	96.00	12,320.85	26,678.55	19,681.65

<sup>1</sup>Estimated Cost is based on an historical average per flight hour.

<sup>2</sup>Actual Cost substitutes actual maintenance for the month for the average maintenance costs used in the previous figure. This is the only figure used in the calculation of estimated costs that varies significantly from month to month.

LGC:csg

cc: Debbie Unbehagen, Fiscal

AN EQUAL OPPORTUNITY EMPLOYER



PLANE: N223MS (PARTENAVIA)				
DATE	PILOT	DESTINATION & PURPOSE	HOURS	PASSENGERS
11/01/94	STAMEY	BR-NI-MARSH ISLAND-WAX LAKE-ATCH. DELTA-NI-BR: waterfowl survey	5.5	N. Kinler M. Carlos G. Linscombe
11/04/94	STAMEY	BR-FERRIDAY-CATAHOULA LAKE-ALEXANDRIA-MONROE-FERRIDAY-B R: Miss. Flyway waterfowl survey	5.0	J. Leslie
11/07/94	STAMEY	BR-S. CENTRAL ZONE-BR: goose survey & waterfowl survey	5.8	R. Helm S. Durham
11/08/94	STAMEY	BR-S. WEST COASTAL ZONE-BR: waterfowl survey	4.6	R. Helm S. durham
11/10/94	STAMEY	BR-S. EAST COASTAL ZONE-BR: waterfowl survey	6.7	R. Helm S. Durham
11/15/94	STAMEY	BR-S. WEST COASTAL ZONE-BR: aquatic weed survey, proj. #5145305	4.5	C. Dugas
11/17/94	STAMEY	BR-N. LA (ALEX.-NW- SHREVEPORT)-BR: aquatic weed survey, proj. #5145308	5.4	M. Leatherman
		TOTAL	37.50	

PLANE: N9467Y (210)				
DATE	PILOT	DESTINATION & PURPOSE	HOURS	PASSENGERS
11/22/94	STAMEY	BR-COASTAL-BR: LOOP pipeline patrol	2.1	R. Allemand
		TOTAL	2.10	

PLANE: N70365 (FLOAT-DC)				
DATE	PILOT	DESTINATION & PURPOSE	HOURS	PASSENGERS
11/02/94	CLAUSE	NI-CALCASIEU LAKE-NI: oyster closure	2.7	M. Davis
11/06/94	CLAUSE	NI-ROCKEFELLER-NO-NI: crew change	3.3	T. Laviolette J. Lopez

11/10/94	CLAUSE	NI-LAKE CHARLES COASTAL-VERMILION BAY-NI: ducks	3.2	J. Savoie E. Campbell
11/15/94	CLAUSE	NI-ATCH. BASIN-NI: ducks	2.4	D. Labiche
11/15/94	CLAUSE	NI-ATCH. BAY-LAKE PELTO-NI: gill nets	2.2	C. Pitre
11/17/94	CLAUSE	NI-SLIDELL AREA-BILOXI MARSH-NI: ducks	3.0	D. Folse
11/18/94	CLAUSE	NI-ATCH. BASIN-NI: ducks	2.5	-----
		TOTAL	19.30	

PLANE: N61092 (AMPHIB)

DATE	PILOT	DESTINATION & PURPOSE	HOURS	PASSENGERS
11/07/94	RACKLE	NO-BR-SHREVEPORT-CATAHOULA LAKE-BR: Bayou Pierre WMA, Catahoula survey	7.4	H. Bateman J. Emfinger
11/11/94	RACKLE	NO-ROCKEFELLER-COASTAL-NO: waterfowl survey	6.8	T. Hess B. Wilson G. Perry
11/16/94	RACKLE	NO-ROCKEFELLER-COASTAL-NO: waterfowl survey, enforcement, aerial	7.3	B. Wilson G. Perry J. Nunez S. Peterson (Mobil Oil)
11/17/94	RACKLE	NO-COASTAL-MARINE LAB-NO: construction monitoring & menhaden meeting	2.3	J. Roussel
11/18/94	RACKLE	NO-BR-COASTAL-MARINE LAB-BR--NO: menhaden assessment	4.2	J. Herring C. Perret J. Roussel C. Turner
11/29/94	RACKLE	NO-COASTAL-NO: DNR permits	1.8	R. Latapie D. Trokillo
11/30/94	RACKLE	NO-COASTAL-NO: DNR permits	1.0	T. Killeen
11/30/94	RACKLE	NO-COASTAL: maintenance	.3	-----
		TOTAL	31.10	

PLANE: N2576K (FLOAT-MW)				
DATE	PILOT	DESTINATION & PURPOSE	HOURS	PASSENGERS
11/15/94	WINDHAM	NO-POINTE-AU-CHIEN-SALVADOR-NO: waterfowl survey	2.0	-----
11/24-27/94	WINDHAM	NO-WMAS-SALVADOR-NO: review survey (Corps of Engineers) damage & either sex deer managed hunt	4.0	T. Hess M. Castille
		TOTAL	6.00	
PLANE: N25766 (AERO COMMANDER)				
DATE	PILOT	DESTINATION & PURPOSE	HOURS	PASSENGERS
		NO FLIGHTS		

# State of Louisiana



Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
Governor

January 4, 1995

## MEMORANDUM

TO: Jeff Schneider, Chairman  
J. B. Cormier  
Glynn Carver  
Peter Vujnovich  
Perry Gisclair  
Jerald Hanchey  
Tee John Mialjevich

FROM: Joe L. Herring

RE: Catfish Task Force

The Department recommends the following composition of the Task Force instituted by the Commission at its meeting on October 6, 1994:

### A. Active voting members

- 6 Commercial catfishermen
- 6 Catfish dealers/processors
- 1 Representative Louisiana Wildlife Federation
- 2 Recreational Catfishermen
- 1 Fish netting dealer
- 1 Representative of the Louisiana Restaurant Association
- 1 Representative of Louisiana Consumer League

### B. Ex-officio Advisory members

- 2 LSU Fishery Extension agents
- 1 LSU Catfish Biologist
- 1 LSU Economist
- 5 LDWF personnel consisting of:
  - 1 Enforcement Agent
  - 2 Fisheries Biologist (one of whom will serve as chairman)
  - 1 Economist
  - 1 Attorney
- 1 Representative Seafood Inspection Division, LDHHS

Page 2

LWFC

January 4, 1995

The Department further recommends that the proposed composition of the Task Force be placed on the agenda of the December 1, 1994 Commission meeting for consideration and adoption. Letters soliciting nominations for the positions indicated are prepared and can be sent out December 2, 1994. In light of the Christmas holiday period, the requested response date is December 30, 1994. The Department will then evaluate the nominations and submit a recommendation for membership to the Commission for its approval, along with a list of all persons nominated. It is anticipated that the recommendation will be prepared and circulated prior to the February meeting for Commission action on the formal appointment on February 5, 1995.

JLH/pc

C: William S. Perret  
Bennie F. Fontenot, Jr.

RESOLUTION

CALCASIEU LAKE OYSTER SEASON & DAILY TAKE LIMIT

**WHEREAS,** the 1994/95 oyster season in Calcasieu Lake has been closed for the entire month of November due to a precautionary health closure, and


**WHEREAS,** the oyster resources on the Calcasieu Lake Public Oyster Grounds have been surveyed and samples indicate that there is a significant oyster resource on the public grounds, and

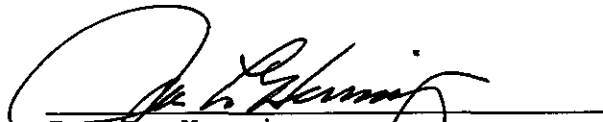
**WHEREAS,** R.S. 56:435.1 G. and H. allows for compensation for health closures, and

**WHEREAS,** R.S. 56:6(25)(a) allows the Commission to set daily take limits, now

**BE IT RESOLVED,** that the 1994/95 oyster season in Calcasieu Lake shall be extended through April 30, 1995, and

**BE IT FURTHER RESOLVED,** that effective January 6, 1995 and for the remainder of the oyster season in Calcasieu Lake, the daily take limit shall be fifteen one and one-half bushel sacks per boat per day.

  
John F. "Jeff" Schneider  
Chairman, La. Wildlife &  
Fisheries Commission

  
Joe L. Herring  
Secretary, La. Department of  
Wildlife and Fisheries

## DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and 967 and under the authority of R.S. 56:6(25)(a) and R.S. 56:435.1, notice is hereby given that the Wildlife and Fisheries Commission finds that imminent peril to the public welfare exists and hereby adopts the following emergency rule.

The 1994/95 oyster season in Calcasieu Lake shall be extended through April 30, 1995 and effective January 6, 1995 and for the remainder of the 1994/95 season in Calcasieu Lake the daily take limit shall be fifteen one and one-half bushel sacks per boat per day.

John F. "Jeff" Schneider  
Chairman

RESOLUTION

CALCASIEU LAKE OYSTER SEASON & DAILY TAKE LIMIT

**WHEREAS,** the 1994/95 oyster season in Calcasieu Lake has been closed for the entire month of November due to a precautionary health closure, and

**WHEREAS,** the oyster resources on the Calcasieu Lake Public Oyster Grounds have been surveyed and samples indicate that there is a significant oyster resource on the public grounds, and

**WHEREAS,** R.S. 56:435.1 G. and H. allows for compensation for health closures, and

**WHEREAS,** R.S. 56:6(25)(a) allows the Commission to set daily take limits, now

**BE IT RESOLVED,** that the 1994/95 oyster season in Calcasieu Lake shall be extended through April 30, 1995, and

**BE IT FURTHER RESOLVED,** that effective January 6, 1995 and for the remainder of the oyster season in Calcasieu Lake, the daily take limit shall be fifteen one and one-half bushel sacks per boat per day.

---

John F. "Jeff" Schneider  
Chairman, La. Wildlife &  
Fisheries Commission

---

Joe L. Herring  
Secretary, La. Department of  
Wildlife and Fisheries



## DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and 967 and under the authority of R.S. 56:6(25)(a) and R.S. 56:435.1, notice is hereby given that the Wildlife and Fisheries Commission finds that imminent peril to the public welfare exists and hereby adopts the following emergency rule.

The 1994/95 oyster season in Calcasieu Lake shall be extended through April 30, 1995 and effective January 6, 1995 and for the remainder of the 1994/95 season in Calcasieu Lake the daily take limit shall be fifteen one and one-half bushel sacks per boat per day.

John F. "Jeff" Schneider  
Chairman

**JAMES J. COX**

State Senator  
District 27  
Parish of Calcasieu

**SENATE**  
**STATE OF LOUISIANA**

December 13, 1994

723 Broad Street  
Lake Charles, Louisiana 70601  
(318) 491-2313

or  
P. O. Box 94183  
Baton Rouge, Louisiana 70804  
(504) 342-2040

Corky Perret, Asst. Secretary  
Louisiana State  
Office of Fisheries

**FAX NUMBER: (504) 765-2489**

Dear Corky:

This will confirm my verbal request that you increase the limit on oysters in Calcasieu lake from 10 to 15 sacks for the 3 day period mandated by the Louisiana Legislature in cases involving re-opening after closure for health reasons.

Secondly, I request that the Department of Wildlife & Fisheries issue an emergency rule extending the season in Calcasieu lake for an additional period corresponding to the period in which the season was closed of approximately six(6) weeks, and that the limit be increased from 10 to 15 sacks for the remainder of the period in which oysters are allowed to be harvested. I understand that this will be taken up at the next meeting of the Wildlife & Fisheries Commission and that you will immediately notify me of the results.

Thank you for your courtesy and attention to this.

Sincerely yours,

  
**JAMES J. COX**  
**LOUISIANA STATE SENATOR**

JJC/rmp



STATE OF LOUISIANA  
HOUSE OF REPRESENTATIVES

RANDY ROACH  
DISTRICT 36

December 14, 1994

P.O. BOX 4983  
LAKE CHARLES, LOUISIANA 70606  
1-800-259-4443  
LINC 475-8092  
LAKE CHARLES OFFICE (318) 478-8551  
CAMERON OFFICE (318) 542-4443  
FAX L.C. OFFICE (318) 478-5250  
FAX CAMERON OFFICE (318) 542-4696

NATURAL RESOURCES  
WAYS & MEANS

Wildlife and Fisheries Commission  
Department of Wildlife and Fisheries  
P. O. Box 98000  
Baton Rouge, La. 70898-9000

Re: Extension Of Time For Oyster Harvesting For Calcasieu  
Lake and Increase In Sack Limit

Dear Sirs:

On behalf of the oyster fishermen in Cameron Parish, I respectfully request that the Wildlife and Fisheries Commission extend the oyster harvesting season for Calcasieu Lake. As you know, the opening of the season was delayed due to concerns over lead contamination in the lake. These issues have been addressed and the Office of Public Health has determined that lead levels in the lake do not pose any threat to human health. Unfortunately, the decision to delay the season was not made until the day before the season was scheduled to open. This has worked a severe financial hardship on the oyster fishermen. They have invested a lot of money getting ready for the season only to find that they could not start fishing.

Under the law you are authorized to grant a 30 day extension of the season in Calcasieu Lake. I would like to ask you to grant that extension. In addition, we would appreciate it if you would also increase the sack limit from 10-1/2 sacks per day to 15-1/2 sacks per day.

Historically, Calcasieu Lake has had a 10 sack limit. There is ample resource available and the market prices are relatively good. Our oyster fishermen need this increase to help offset the financial losses which they have sustained. This request is for this season only.

Thank you for your consideration.

With best regards.

Sincerely yours,

RANDALL E. ROACH

REC'D

DEC 21 1994

ASST. SECRETARY  
OFFICE OF FISHERIES

RER/gg

RECEIVED  
DEC 16 94

## **Resolution**

### **Calcasieu Lake Oyster Season and Daily Take Limit**

**WHEREAS,** the 1994/95 Oyster season in Calcasieu Lake has been closed for the entire month of November due to a precautionary health closure, and

**WHEREAS,** the oyster resources on the Calcasieu Lake Public Oyster Grounds have been surveyed and samples indicate that there is a significant oyster resource on the public grounds, and

**WHEREAS,** R.S.56:435.1 G. and H. allows for compensation for health closures, and

**WHEREAS,** R.S.56:6(25) (a) allows the commission to set daily take limits, now

**BE IT RESOLVED,** that the 1994/95 oyster season in Calcasieu Lake shall be extended through April 30, 1995, and

**BE IT FURTHER RESOLVED,** that effective January 6, 1995 and for the remainder of the oyster season in Calcasieu Lake, the daily take limit shall be fifteen one and one-half bushel sacks per boat per day.

## **DECLARATION OF EMERGENCY**

### **Calcasieu Lake Oyster Season And Daily Take Limit Adjustments**

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and 967 and under the authority of R.S. 56:25(A) and R.S. 56:435.1, notice is hereby given that the Wildlife and Fisheries Commission finds that imminent peril to the public welfare exists and hereby adopts the following emergency rule:

The 1994/95 oyster season in Calcasieu Lake shall be extended through April 30, 1995 and effective January 6, 1995 and for the remainder of the 1994/95 season in Calcasieu Lake the daily take limit shall be fifteen one and one-half bushel sacks per boat per day.

## RULE

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission does hereby amend a Rule (Title 76, Part VII, Chapter 3, Section 343(A)) changing the opening date for the "roe" mullet season from October 15 to the third Monday in October. Authority for adoption of this Rule is included in R.S. 56:6(25)(a), 56:326.3 and 56:333.

## Title 76

### WILDLIFE AND FISHERIES

#### Part VII. Fish and Other Aquatic Life

#### Chapter 3. Saltwater Sport and Commercial Fishery

#### §343. Mullet Daily Take

A. Seasons: A framework of seasons is hereby set for the harvest of mullet. A "pre-ro" season is set to run from 12:01 a.m. September 15 until 12:00 p.m. (midnight) of the Sunday preceding the third Monday in October of each year. A "roe" season is set to run from 12:01 a.m. of the third Monday in October until 12:00 p.m. (midnight) January 14 of the following year. A "non-ro" season is set to run from 12:01 a.m. January 15 until 12:00 p.m. (midnight) September 14 of each year.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), 56:325.1, 56:326.3 and 56:333.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:1420 (December 1992), amended LR 21: (January 1995).

John F. "Jeff" Schneider  
Chairman

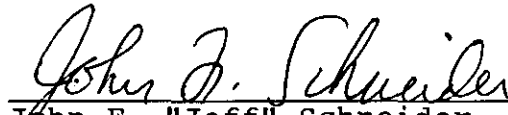
## RESOLUTION

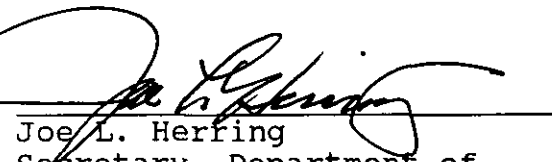
### Commercial Harvest of Spotted Seatrout Louisiana Wildlife and Fisheries Commission

- WHEREAS,** the Wildlife and Fisheries Commission has established a Rule as Title 76, Part VII, Chapter 3, Section 341, effective February 20, 1992, providing management measures for spotted seatrout harvest, and
- WHEREAS,** this Rule declares that the quota for the commercial harvest of spotted seatrout shall be one million pounds, and
- WHEREAS,** this Rule also declares the commercial season for spotted seatrout shall begin at 12:01 a.m. on September 15 of each year, and
- WHEREAS,** this Rule provides that the commercial season for spotted seatrout shall be closed each year at 12:01 a.m. May 1, or when the quota has been reached, or when the staff of the Department of Wildlife and Fisheries predicts the one million pound quota will be met, whichever comes first, and
- WHEREAS,** Department of Wildlife and Fisheries biologists, based on historical landings and cumulative commercial harvest to date, project that the spotted seatrout quota may be reached during the month of April, 1995, and
- WHEREAS,** updated harvest figures could cause the Department of Wildlife and Fisheries biologists to revise their projections, now
- THEREFORE BE IT RESOLVED,** by the Louisiana Wildlife and Fisheries Commission that the Secretary of the Department of Wildlife and Fisheries is hereby authorized and directed to close the commercial fishery for spotted seatrout on the date the quota is projected to be reached as provided in Commission Rule, and
- BE IT FURTHER RESOLVED,** that notice to the public shall be given seventy-two hours prior to the effect of the closure, and
- BE IT FURTHER RESOLVED,** that the purchase, barter, trade, or sale of spotted seatrout taken from Louisiana waters after the closure is prohibited, and
- BE IT FURTHER RESOLVED,** that the commercial taking or landing of spotted seatrout in Louisiana, whether caught within or without the territorial waters of Louisiana, after the closure is prohibited, and

BE IT FURTHER RESOLVED, that no vessel possessing or fishing any seine, gill net, trammel net, or hoop net shall have a spotted seatrout aboard the vessel, whether caught within or without the waters of the state, and

BE IT FURTHER RESOLVED, that nothing shall prohibit the possession of fish legally taken prior to the closure.

  
John F. "Jeff" Schneider  
Chairman, Wildlife & Fisheries  
Commission

  
Joe L. Herring  
Secretary, Department of  
Wildlife & Fisheries

JANUARY 5, 1995



## RESOLUTION

### Commercial Harvest of Spotted Seatrout Louisiana Wildlife and Fisheries Commission

- WHEREAS,** the Wildlife and Fisheries Commission has established a Rule as Title 76, Part VII, Chapter 3, Section 341, effective February 20, 1992, providing management measures for spotted seatrout harvest, and
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---

John F. "Jeff" Schneider  
Chairman, Wildlife & Fisheries  
Commission

---

Joe L. Herring  
Secretary, Department of  
Wildlife & Fisheries

JANUARY 5, 1995

January 5, 1995

CONFIDENTIAL

FISHING YEAR	COMMERCIAL SPOTTED SEATROUT LANDINGS											
	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST
94-95	94,614	119,038	99,057									
93-94	88,407	118,592	191,211	194,585	285,989	154,317	49,544 (close 3/6)	82,128				
92-93	59,338	109,169	135,400	191,337	209,715	121,882	140,484 (close 4/16)	3,128				
91-92	25,922	47,403	105,759	139,433	144,822	57,710	94,215 (close 5/11)	176,625	170,636			
90-91	42,663	54,724	64,693	158,523	243,771	83,986	59,778	121,674	121,884	141,483	7,592 (close 8/2)	
89-90	183,277	132,166	146,300	325,410	75,445	76,145	67,441	92,265	26,026	0	767	0
88-89	61,227	123,541	141,184	302,241	316,866	178,001	146,669 (close 4/9)	59,173 (close 5/6)	560	447	2	7
87-88	58,017	74,114	90,913	87,988	249,086	143,565	98,287 (close 5/6)	196,722	64,373	12,717	34,919	5,546
86-87	78,603	158,250	157,276	233,756	204,314	110,792	126,569 (close 5/6)	245,782	244,144	191,870	217,832	149,539
85-86	15,440	66,576	88,509	214,576	219,796	68,111	120,639	246,287	254,854	191,966	160,520	87,982
CUMULATIVE THROUGH MONTH												
SEPTEMBER												
OCTOBER	94,614	213,652	312,709									
NOVEMBER	88,407	206,999	398,210	592,795	878,784	1,033,101	1,082,645 (1.0 m lb)					
DECEMBER	59,338	168,507	303,907	495,244	704,959	826,841	967,325 (1.0 m lb)	1,049,453				
JANUARY	25,922	73,325	179,084	318,517	463,339	521,049	615,264 (1.0 m lb)	791,889	795,017 (1.0 m lb)			
FEBRUARY	42,663	97,387	162,080	320,603	564,374	648,360	708,138	829,812	1,000,448	1,122,332	1,263,815	1,271,407 (1.25 m lb)
MARCH	183,277	315,443	461,743	787,153	862,598	938,743	1,006,184	1,098,449	1,124,475	1,126,475	1,125,242	1,125,242
APRIL	61,227	184,768	325,952	628,193	945,059	1,123,060	1,269,729	1,328,902	1,329,462	1,329,909	1,329,911	1,329,918
MAY	58,017	132,131	223,044	311,032	560,118	703,683	801,970 (1.25 m lb)	998,692	1,063,065 (1.0 m lb)	1,075,782	1,110,701	1,116,247
JUNE	78,603	236,853	394,129	627,885	832,199	942,991	1,069,560	1,315,342	1,559,486	1,751,356	1,969,188	2,118,727
JULY	15,440	82,016	170,525	385,101	604,897	673,008	793,647	1,039,934	1,294,788	1,486,754	1,647,274	1,735,256
AUGUST												

Landings for October and November are below expectations, based on September values. At least some of this variation is probably due to the unseasonably warm weather these two months. As unseasonably warm weather continued into December, I expect this trend to continue. January, though, should be more seasonable.

Harry Blanchet

**CIVIL RESTITUTION REPORT  
JANUARY COMMISSION MEETING**

In December, 68 cases were assessed for a value of \$31,400; during this same period we received payment on 35 cases totalling 6,644.

At the October commission meeting, an inquiry was made about monies we receive through court orders as fines to come to the Department. Since May, 1994, we have received \$16,675 through this process.

# MONTHLY CIVIL RESTITUTION REPORT

PERIOD	NO. CASES ASSESSED	AMOUNT ASSESSED	CREDIT FOR NO. CASES SALE GOODS PAID	AMOUNT PAID	DISCOUNTS TAKEN	
July, 1992	105	26,553	(10,515)	103	5,578	
Aug, 1992	137	26,153	(3,241)	95	5,292	
Sept, 1992	214	34,341	(3,245)	82	6,186	
Oct, 1992	346	238,388	(19,670)	119	8,310	292
Nov, 1992	34	17,264		220	11,744	4,651
Dec, 1992	122	76,371	(7,012)	97	5,042	1,275
Jan, 1993	77	35,470	(979)	75	7,389	3,799
Feb, 1993	40	10,787		81	13,141	6,941
March, 1993	37	15,552	(1,876)	60	13,479	5,848
April, 1993	24	8,418	(10,809)	31	5,000	2,379
May, 1993	21	16,063	(1,599)	39	5,704	2,381
June, 1993	40	23,637	(7,454)	27	8,356	4,077

Total FY 93	1,197	528,997	(66,400)	1,029	95,221	31,643
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July, 1993	25	21,039	(9,778)	29	4,855	2,545
August, 1993	53	44,922	(1,137)	41	7,950	3,603
Sept., 1993	42	137,635	(17,938)	35	6,783	3,048
October, 1993	49	21,471	(11,282)	40	3,285	1,519
Nov., 1993	57	31,207	(13,260)	32	3,053	2,845
Dec., 1993	53	13,777	0	27	6,507	6,713
Jan., 1994	38	18,918	0	32	4,423	2,831
Feb., 1994	68	38,131	(8,238)	46	9,124	5,993
March, 1994	38	22,739	(2,482)	51	10,854	6,796
April, 1994	14	44,732	(1,404)	27	7,307	4,632
May, 1994	10	4,504	(165)	7	5,447	3,808
June, 1994	29	26,167	(2,986)	12	1,886	1,214

Total FY 94	476	425,242	(68,670)	379	71,474	45,547
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## FISCAL YEAR 1994-95

July, 1994	17	2,127	(335)	23	2,101	1,437
August, 1994	41	96,403	(3,035)	20	1,010	605
Sept., 1994	34	14,614	(14,002)	26	2,596	2,342
Oct., 1994	94	17,426	(8,677)	38	2,922	3,179
Nov., 1994	43	103,592	0	45	3,992	2,803
Dec., 1994	68	31,400		35	4,315	2,329

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES  
CIVIL RESTITUTION ACTIVITY REPORT

DATE: 4-JAN-1995

CURRENT MONTH 12/01/1994 TO 12/31/1994 FISCAL YEAR TO DATE 07/01/1994 TO 12/31/1994 INCEPTION TO DATE 12/31/1994

ORIG RESTITUTION VALUES ENTERED  
SALE OF CONFISCATED COMMODS  
SALES EXCEEDING RESTITUTION

# CASES	AMOUNT	# CASES	AMOUNT	# CASES	AMOUNT
68	\$31,399.81	297	\$265,561.92	2,311	\$1,546,188.04
0	\$0.00	35	\$25,284.65	333	\$272,940.75
0	\$0.00	17	\$12,469.54	149	\$73,105.41

## RESTITUTION ASSESSED

68	\$31,399.81	297	\$252,746.81	2,311	\$1,346,352.70
PAYMENTS					
OVERPAYMENTS	35	174	\$16,935.75	1,429	\$192,139.14
DISCOUNTS FOR TIMELY PAYMENTS	4	13	\$679.44	43	\$882.44
REFUNDS	30	162	\$12,695.21	819	\$92,288.66
APPLIED CONFISCATED COMMODS	4	10	\$677.53	19	\$4,256.22
REMUNERATION REFUNDS	0	0	\$0.00	0	\$0.00
RETURNED CHECKS	0	1	\$14,599.90	6	\$26,597.25
MISC. ADJUSTMENTS	0	0	\$0.00	1	\$0.80
DEBITS	0	0	\$0.00	1	\$15.00
CREDITS	0	0	\$0.00	0	\$0.00
REASSESSMENTS	0	0	\$0.00	0	\$0.00
DEBITS	0	1	\$467.81	13	\$3,469.15
CREDITS	0	2	\$624.21	37	\$10,687.01
ADJUST VIOLATION	0	0	\$0.00	0	\$0.00
DEBITS	0	0	\$0.00	0	\$0.00
CREDITS	0	0	\$0.00	0	\$0.00
WRITE-OFFS	0	1	\$0.01	182	\$269,050.55
ASSESSMENTS WITHDRAWN	0	1	\$288.00	5	\$874.70
CASES VOIDED BY ENFORCEMENT	0	0	\$0.00	2	\$97.80
** TOTAL OUTSTANDING				627	\$816,435.70

## FOOTNOTE:

PAYMENTS FROM COLLECTION EFFORT  
AMOUNT PAID TO COLLECTOR

0	\$0.00	0	\$0.00	32	\$10,560.13
	\$0.00		\$0.00		\$2,640.03

AGING OF OUTSTANDING CASES			
CAN NOT BE INVOICED			
1 - 30 DAYS	2	\$139.50	
31 - 60 DAYS	63	\$31,132.30	
61 - 90 DAYS	28	\$98,816.70	
91 - 120 DAYS	24	\$16,733.07	
121 - 150 DAYS	6	\$4,665.50	
151 - 180 DAYS	19	\$91,474.30	
181 - 365 DAYS	6	\$513.00	
CASES SENT FOR COLLECTION	53	\$70,347.11	
OVER 1 YEAR PENDING	0	\$0.00	
OVER 1 YEAR (OTHER)	0	\$0.00	
	426	\$502,614.22	
** TOTAL AGING	627	\$816,435.70	

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES  
CLASS I ACTIVITY REPORT

CURRENT MONTH 12/01/1994 TO 12/31/1994		FISCAL YEAR TO DATE 07/01/1994 TO 12/31/1994		INCEPTION TO DATE 12/31/1994	
# CASES	AMOUNT	# CASES	AMOUNT	# CASES	AMOUNT
FINES					
HEARING COSTS					
DEBITS					
CREDITS					
549	\$18,000.00	3,588	\$184,155.00	36,825	\$1,867,502.07
0	\$13,725.00	1,564	\$39,077.00	9,099	\$227,457.00
	\$50.00-	0	\$300.00-	0	\$975.00-
TOTAL DUE	\$31,675.00		\$222,932.00		\$2,093,984.07
PAID IN FULL					
PARTIAL PAYMENTS					
OVERPAYMENTS					
REFUNDS					
RETURNED CHECKS					
MISC CHANGES					
DEBITS					
CREDITS					
ADJUSTMENTS TO VIOLATION					
DEBITS					
CREDITS					
VOIDS					
NOT GUILTY					
198	\$9,975.00-	2,398	\$122,522.75-	19,114	\$976,245.25-
18	\$657.75-	133	\$5,538.83-	541	\$23,228.09-
1	\$50.00	25	\$1,222.75	285	\$13,122.43
0	\$50.00	7	\$325.00	46	\$2,833.00
0	\$0.00	4	\$200.00	23	\$1,150.00
0	\$0.00	4	\$80.00	23	\$370.00
3	\$2.25-	21	\$15.92-	100	\$101.32-
0	\$0.00	6	\$400.00	52	\$2,950.00
0	\$0.00	1	\$0.00	6	\$250.00-
16	\$700.00-	248	\$10,520.25-	1,742	\$69,706.88-
7	\$350.00-	74	\$3,250.00-	342	\$16,975.00-
TOTAL OUTSTANDING					\$1,027,902.96

**ENFORCEMENT CASE REPORT**

**DECEMBER 1994**



**ENFORCEMENT CASE REPORT-DECEMBER 1994**

**REGION I**

**TOTAL CASES-73**

**ENFORCEMENT-72**

**OTHER - 1**

3-Boating  
4-Angling W/O A License  
1-Angling W/O A License Non-Resident  
1-Fish W/O Resident Pole License  
5-Hunting W/O Resident License  
4-Hunting W/O Non-Resident License  
4-Hunting From Moving Vehicle And/Or Aircraft  
5-Hunting W/Unplugged Gun Or Silencer  
2-Hunt From Public Road Or Road Right-Of-Way  
3-Hunt W/O Resident Big Game License  
3-Hunt Or Take Deer Illegal Hours  
13-Hunt Or Take Deer From A Public Road  
6-Fail To Wear Hunters Orange  
1-Hunting Ducks Or Geese W/O Federal Stamp  
9-Hunting MGB Illegal Hours  
2-Using Lead Shot In Area Designated As Steel Shot Only  
1-Possess Over Limit Of Ducks  
2-Hunt MGB Without State Stamp  
2-Operate ATV Vehicle On Public Road  
2-Discharge Firearm From Public Road

**CONFISCATIONS:**

3 rifles, 2 ducks.

Page (2)

**REGION I CONT'D.**

**GRAND TOTAL OF EACH CATEGORY FOR REGION I:**

3-Boating

51-Hunting

12-MGB

4-Misc.

3-Fishing

**REGION 2**

**TOTAL CASES-145**

**ENFORCEMENT-145**

**OTHER - 0**

**7-Boating**

**1-Angling W/O A License**

**1-Angling W/O A License Non-Resident**

**1-Taking/Poss. Over Limit Or Undersized Freshwater Gamefish**

**7-Hunting W/O Resident License**

**1-Hunting W/O Non-Resident License**

**14-Hunting From Moving Vehicle And/Or Aircraft**

**1-Hunting W/Unplugged Gun Or Silencer**

**4-Hunt Wild Quadrupeds And/Or Wild Birds W/O Permit**

**5-Hunt From Public Road Or Road Right-Of-Way**

**1-Hunt MGB W/O State Stamp**

**2-Hunt W/O Resident Big Game License**

**5-Hunt Deer Closed Area**

**9-Hunt Or Take Deer Illegal Hours**

**29-Hunt Or Take Deer From Public Road**

**4-Hunt Or Take Illegal Deer Open Season**

**1-Possession Of Illegally Take Deer**

**10-Fail To Wear Hunters Orange**

**3-Hunting Ducks Or Geese W/O Federal Stamp**

**2-Hunt MGB With Unplugged Gun**

**6-Hunting MGB Illegal Hours**

**2-Using Lead Shot In Area Designated As Steel Shot Only**

**2-Hunt MGB Without State Stamp**

Page (4)

**REGION 2 CONT'D.**

**12-Not Abiding By Rules And Regs. On WMA**

**1-Operating Vehicle While Intoxicated**

**4-Other Than Wildlife And Fisheries**

**1-Operate ATV Vehicle On Public Road**

**9-Discharge Firearm From Public Road**

**CONFISCATIONS:**

**5 guns, 68 crappie, 1-15 h.p. Johnson, 8 deer, 2 wood ducks.**

**GRAND TOTAL OF EACH CATEGORY FOR REGION 2:**

**7-Boating**

**102-Hunting**

**3-Fishing**

**15-Federal**

**12-WMA**

**6-Misc.**

**REGION 3**

**TOTAL CASES-208**

**ENFORCEMENT-184**

**OTHER - 24**

**5-Boating**

**2-Angling W/O A License**

**2-Angling W/O A License Non-Resident**

**10-Hunting W/O Resident License**

**3-Hunting W/O Non-Resident License**

**15-Failure To Abide By Commission Rules**

**10-Hunting From Moving Vehicle And/Or Aircraft**

**10-Hunting W/Unplugged Gun Or Silencer**

**4-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours**

**15-Hunt From Public Road Or Road Right-Of-Way**

**7-Hunt W/O Resident Big Game License**

**2-Hunt W/O Non-Resident Big Game License**

**2-Running Deer Dogs During Still Hunt Season**

**9-Hunt Or Take Deer Illegal Hours**

**36-Hunt Or Take Deer From Public Road**

**1-Hunt Or Take Illegal Deer Open Season**

**1-Possession Of Illegal Taken Deer**

**5-Fail To Wear Hunters Orange**

**4-Hunt Raccoons Or Opossums Illegally**

**3-Trap Or Sell F.B.A. Or Parts W/O Res. Or Non-Res. License**

**4-Hunting Ducks Or Geese W/O Federal Stamp**

**2-Hunting MGB Illegal Hours**

**3-Using Lead Shot In Area Designated As Steel Shot Only**

**REGION 3 CONT'D.**

1-Hunting Ducks Closed Season

4-Possess Over Limit Of Ducks

2-Hunt MGB Without State Stamp

22-Not Abiding By Rules And Regs. On WMA

2-Resisting An Officer

1-Operating Vehicle While Intoxicated

2-Illegal Spotlighting From Public Road

1-Littering

9-Other Than Wildlife And Fisheries

1-Poss. Of Firearm Of Convicted Felon

2-License Fraud

3-Simple Obstruction Of Highway Of Commerce

1-Flight From An Officer

1-Reckless Operation Of A Vehicle

1-Discharge Firearm From Public Road

**CONFISCATIONS:**

38 ducks, 1 rabbit, 1 raccoon, 1 deer, 10 guns.

**GRAND TOTAL OF EACH CATEGORY FOR REGION 3:**

5-Boating

171-Hunting

4-Fishing

28-Misc.

**REGION 4**

**TOTAL CASES-86**

**ENFORCEMENT-77**

**OTHER - 9**

3-Boating

11-Hunting W/O Resident License

5-Hunting From Moving Vehicle And/Or Aircraft

5-Hunting W/Unplugged Gun Or Silencer

6-Hunt From Public Road Or Road Right-Of-Way

3-Hunt W/O Resident Big Game License

5-Running Deer Dogs During Still Hunt Season

6-Hunt Or Take Deer Illegal Hours

3-Hunt Take Deer From Public Road

2-Hunt Or Take Illegal Deer Open Season

2-Buying Or Selling Deer Or Meat

2-Possession Of Illegally Taken Deer

11-Fail To Wear Hunters Orange

1-Hunt W/O Muzzleloader License

9-Hunt Raccoons Or Opossums Illegally

1-Hunt MGB With Unplugged Gun

3-Using Lead Shot In Area Designated As Steel Shot Only

1-Hunting Geese Closed Season

7-Not Abiding By Rules And Regs. On WMA

1-Driving Without Operators License

3-Discharge Firearm From Public Road

Page (8)

**REGION 4 CONT'D.**

**CONFISCATIONS:**

3 guns, 3 deer, 13 coons, 2 geese.

**GRAND TOTAL OF EACH CATEGORY FOR REGION 4:**

3-Boating

67-Hunting

5-Federal

7-WMA

4-Other



**REGION 5**

**TOTAL CASES-250**

**ENFORCEMENT-208**

**OTHER - 42**

**7-Boating**

**5-Angling W/O A License**

**3-Take Or Sell Commercial Fish Or Bait Species W/O Comm. License**

**2-Take Commercial Fish W/O Comm. Gear License**

**2-Take Or Poss. Commercial Fish W/O Vessel License**

**1-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License**

**2-Failure To Mark/Tag Nets**

**1-Taking Oysters From Unapproved Area**

**1-Take Oysters Closed Area**

**2-Failure To Tag Sacked Or Containerized Oysters**

**1-Possession Of Untagged Oysters**

**1-Harvest Oysters W/O Oyster Harvester License**

**6-Hunting W/O Resident License**

**20-Hunting From Moving Vehicle And/Or Aircraft**

**3-Hunting W/Unplugged Gun Or Silencer**

**15-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours**

**9-Hunt From Public Road Or Road Right-Of-Way**

**8-Hunt MGB W/O State Stamp**

**5-Hunt W/O Resident Big Game License**

**9-Hunt Or Take Deer Illegal Hours**

**5-Hunt Deer Illegal Methods**

**7-Hunt Or Take Deer From Public Road**

**5-Hunt Or Take Deer Illegally From A Boat**

**REGION 5 CONT'D.**

**6-Hunt Or Take Illegal Deer Open Season**

**2-Hunt Or Take Deer W/Illegal Weapon**

**8-Fail To Wear Hunters Orange**

**2-Hunt/Trap On DMAP Lands W/O Permit From Owner/Lessee**

**2-Take Non-Game Quadrupeds Illegally**

**12-Hunting Ducks Or Geese W/O Federal Stamp**

**1-Hunting With Unsigned Duck Stamp**

**9-Hunting MGB Illegal Hours**

**2-Hunting MGB From A Vehicle**

**3-Hunting MGB From Moving Motorboat**

**4-Hunting MGB With Illegal Firearm**

**1-Field Possession Of Freshly Killed MGB Closed Season**

**20-Using Lead Shot In Area Designated As Steel Shot Only**

**2-Taking Canada Geese In Restricted Or Closed Area**

**5-Hunting Doves Closed Season**

**2-Wanton Waste Of MGB**

**4-Hunting MGB W/Electronic Calling Device**

**CONFISCATIONS:**

**22 teal, 2 merganser, 1 scaup, 47 ducks, 8 geese, 1 dove, 5 spoonbill, 1 canadian goose, 6 rifles, 1 rabbit, 3 deer, 15 sacks and 8 pints of oysters, 2 unsigned duck stamps.**

**GRAND TOTAL OF EACH CATEGORY FOR REGION 5:**

**7-Boating**

**238-Hunting**

**5-Fishing**

**REGION 6**

**TOTAL CASES-97**

**ENFORCEMENT-89**

**OTHER - 8**

7-Boating

4-Angling W/O A License

1-Fish W/O Resident Pole License

1-Use Gear W/O Recreational Gear License

2-Take Or Poss. Commercial Fish W/O Vessel License

6-Hunting W/O Resident License

1-Hunting W/O Non-Resident License

11-Hunting From Moving Vehicle And/Or Aircraft

1-Hunting W/Unplugged Gun Or Silencer

5-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours

2-Hunt From Public Road Or Road Right-Of-Way

2-Hunt Or Discharge Firearm From Levee Road

2-Hunt MGB W/O State Stamp

4-Poss. Of Buckshot During Closed Deer Season

1-Fail To Comply W/Hunter Safety Regulations

1-Take Rabbits Illegal Methods

2-Hunt W/O Resident Big Game License

1-Hunt Deer Closed Area

1-Hunt Deer Illegal Methods

2-Hunt Or Take Illegal Deer Open Season

1-Field Poss. Of Deer Meat W/O Tag

2-Fail To Wear Hunters Orange

1-Hunt Raccoons Or Opossums Illegally

**REGION 6 CONT'D.**

2-Hunting MGB Illegal Hours

2-Using Lead Shot In Area Designated As Steel Shot Only

1-Possess Over Limit Of Ducks

8-Not Abiding By Rules And Regs. On WMA

1-Resisting An Officer

1-Public Intimidation

1-Criminal Trespass On Crawfish Ponds

1-Discharge Firearm From Public Road

**CONFISCATIONS:**

6 guns, 10 raccoon, 5 rabbits, 3 deer, 25 lbs. of deer meat, 4 wood ducks.

**GRAND TOTAL OF EACH CATEGORY FOR REGION 6:**

18-Boating

52-Hunting

8-Fishing

19-Misc.

**REGION 7**

**TOTAL CASES-195**

**ENFORCEMENT-170**

**OTHER - 25**

5-Boating

3-Angling W/O A License

1-Angling W/O A License Non-Resident

3-Fish W/O Resident Pole License

1-Use Gear W/O Recreational Gear License

1-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License

1-Transport W/O Required License

2-Sell And/Or Purchase Game Fish

2-Fail To Comply W/Gamefish Shipping Regulations

5-Hunting W/O Resident License

3-Hunting W/O Non-Resident License

1-Bow Hunt W/O Bow License

1-Failure To Abide By Commission Rules

27-Hunting From Moving Vehicle And/Or Aircraft

3-Hunting W/Unplugged Gun Or Silencer

17-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours

21-Hunt From Public Road Or Road Right-Of-Way

1-Hunt MGB W/O State Stamp

4-Hunt W/O Resident Big Game License

3-Hunt W/O Non-Resident Big Game License

22-Hunt Or Take Deer Illegal Hours

10-Hunt Or Take Deer From Public Road

1-Hunt Or Take Deer Illegally From A Boat

**REGION 7 CONT'D.**

**4-Hunt Or Take Illegal Deer Open Season**

**1-Hunt Or Take Deer W/Illegal Weapon**

**19-Fail To Wear Hunters Orange**

**4-Hunt W/O Muzzleloader License**

**1-Take Non-Game Quadrupeds Illegally**

**3-Hunting Ducks Or Geese W/O Federal Stamp**

**1-Field Possession Of Freshly Killed MGB Closed Season**

**2-Using Lead Shot In Area Designated As Steel Shot Only**

**1-Taking Canada Geese In Restricted Or Closed Area**

**1-Hunt MGB Without State Stamp**

**10-Not Abiding By Rules And Regs. On WMA**

**1-Resisting An Officer**

**2-Criminal Trespass**

**4-Illegal Spotlighting From Public Road**

**4-Other Than Wildlife And Fisheries**

**1-Flight From An Officer**

**2-Driving Without Operators License**

**1-Violation Of Sanitary Code-Chapter 9**

Page (15)

**REGION 7 CONT'D.**

**CONFISCATIONS:**

3 rabbits, 1 raccoon, 5 deer, 3 ducks, 1 hog, 1 goose, 2 squirrel, 15 guns, 7 drum, 9 flounder, 31 sheephead,  
61 red drum.

**GRAND TOTAL OF EACH CATEGORY FOR REGION 7:**

5-Boating

14-Fishing

151-Hunting

25-Other

**REGION 8**

**TOTAL CASES-130**

**ENFORCEMENT-114**

**OTHER - 16**

16-Boating

19-Angling W/O A License

2-Angling W/O A License Non-Resident

2-Angling W/O Saltwater License

1-Angling W/O Saltwater Non-License Resident

3-Taking/Poss. Over Limit Or Undersized Freshwater Gamefish

2-Poss. O/L Of Red Drum

4-Take Or Poss. Undersized Red Drum

4-Take Or Poss. Undersized Red Drum

1-Take/Poss. Undersized Spotted Sea Trout

1-Fail To Have Commercial License In Poss.

3-Take Or Sell Commercial Fish Or Bait Species W/O Comm. License

1-Take Commercial Fish W/O Commercial Gear License

3-Take Or Poss. Commercial Fish W/O Vessel License

1-Leave Nets Unattended

1-Take/Poss. Undersize Cml. Finfish

2-Permit Unlicensed Person To Operate Commercial Vessel

2-Permit Unlicensed Person To Use Commercial Gear

2-Take/Possess Oysters W/O Oysters Harvester License

2-Failure To Mark/Tag Nets

2-Violation Mullet Regulations

4-Trawl In Restricted Areas

5-Unlawfully Take Oysters From State Water Bottoms



**REGION 8 CONT'D.**

- 2-Unlawfully Take Oysters Off A Private Lease
- 2-Failure To Display Proper Number On Vessel
- 1-Harvest Oysters W/O Oyster Harvester License
- 2-Take Rabbits Illegal Methods
- 6-Hunting W/O Resident License
- 2-Possess Wild Birds Or Wild Quadrapeds W/O A License
- 4-Hunting From Moving Vehicle And/Or Aircraft
- 5-Hunt Wild Quadrapeds And/Or Wild Birds Illegal Hours
- 2-Hunting MGB Illegal Hours
- 2-Hunting MGB From Moving Motorboat
- 2-Using Lead Shot In Area Designated As Steel Shot Only
- 1-Possess Over Limit Of Ducks
- 8-Criminal Trespass
- 2-Operate Vehicle While Intoxicated
- 1-Other Than Wildlife And Fisheries
- 3-Violate Of Sanitary Code-Chapter 9

**CONFISCATIONS:**

5 red drum, 6 speckled trout, 41 black bass, 263 channel catfish, 7 ducks, 1 teal, 4 coots, 3 rabbits, 33 lbs. of shrimp sold for \$96.20, 23 lbs. of catfish \$9.20, 4 guns, 4 butterfly nets, 15 gill nets totaling 5,300 feet.

**GRAND TOTAL OF EACH CATEGORY FOR REGION 8:**

- 16-Boating
- 34-Fishing
- 20-Commercial Fish
- 4-Trawling
- 10-Oyster

Page (18)

**REGION 8 CONT'D.**

**GRAND TOTAL CONT'D.**

23-Hunting

2-Rabbit

7-MGB

14-Misc.

**REGION 9**

**TOTAL CASES-164**

**ENFORCEMENT-96**

**OTHER -68**

**19-Boating**

**8-Angling W/O A License**

**1-Angling W/O Saltwater License**

**1-Take Illegal Size Black Bass**

**4-Take Or Poss. Undersized Red Drum**

**5-Take Or Poss. Undersized Spotted Sea Trout**

**2-Take Or Poss. Undersized Black Drum**

**1-Fail To Have Commercial License In Possession**

**1-Take Commercial Fish W/O Comm. Gear License**

**1-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License**

**1-Transport W/O Required License**

**2-Leave Nets Unattended**

**1-Take/Poss. Undersize Cml. Finfish**

**1-Failure To Mark/Tag Nets**

**11-Hunting W/O Resident License**

**9-Hunting From Moving Vehicle And/Or Aircraft**

**12-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours**

**10-Hunt From Public Road Or Road Right-Of-Way**

**2-Hunt MGB W/O State Stamp**

**1-Hunt W/O Resident Big Game License**

**2-Hunt Deer Closed Area**

**12-Hunt Or Take Illegal Deer Open Season**

**3-Fail To Wear Hunters Orange**

**REGION 9 CONT'D.**

**20-Not Abiding By Rules And Regs. On WMA**

**3-Hunting Ducks Or Geese W/O Federal Stamp**

**2-Hunting With Unsigned Duck Stamp**

**1-Hunting MGB With Unplugged Gun**

**15-Hunting MGB Illegal Hours**

**2-Hunting MGB Over Baited Area**

**4-Hunting MGB From Moving Motorboat**

**1-Possess Untagged MGB**

**1-Transport Completely Dressed MGB**

**1-Using Lead Shot In Area Designated As Steel Shot Only**

**4-Possess Over Limit Of Coots**

**CONFISCATIONS:**

**2 grebe, 126 coots, 45 ducks, 1 black bass, 14 speckled trout, 12 red drum, 5 black drum, 5 rabbits, 188 catfish, 3 deer, 18 guns, 1,100 feet of gill net, 19 crab traps, 1-4 wheeler.**

**GRAND TOTAL OF EACH CATEGORY FOR REGION 9:**

**19-Boating**

**29-Fishing**

**34-Hunting**

**18-Deer**

**20-WMA**

**44-MGB**

Page (21)

S.W.E.P.

82-HOURS RUNNING TIME

65-BOATS CHECKED

TOTAL CASES-6

1-Improper Running Lights

3-Shrimping In Illegal Area

1-Fail To Display Proper #'s On Vessel

1-Fail To Mark/Tag Gill Nets

CONFISCATIONS:

4 butterfly nets, 4,800 feet of gill nets, 78 lbs. of shrimp sold for \$213.28, 53 red fish returned-to-water.

**SPECIAL STRIKE FORCE**

**TOTAL CASES-77**

**3-Boating**

**1-Angling W/O A License**

**1-Taking/Poss. Over Limit Or Undersized Freshwater Gamefish**

**2-Failure To Have Written Permission**

**1-Hunting W/O Resident License**

**6-Failure To Abide By Commission Rules**

**5-Hunting From Moving Vehicle And/Or Aircraft**

**2-Hunting W/Unplugged Gun Or Silencer**

**3-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours**

**9-Hunt From Public Road Or Road Right-Of-Way**

**2-Hunt MGB W/O State Stamp**

**6-Hunt Or Take Deer Illegal Hours**

**12-Hunt Or Take Deer From Public Road**

**1-Hunt Or Take Illegal Deer Open Season**

**1-Trap Or Sell F.B.A. Or Parts W/O Res. Or Non-Res. License**

**2-Hunting Ducks Or Geese W/O Federal Stamp**

**4-Hunting MGB Illegal Hours**

**3-Hunting MGB From A Vehicle**

**4-Using Lead Shot In Area Designated As Steel Shot Only**

**1-Hunting Geese In Closed Season**

**3-Possess Over Limit Of Ducks**

**2-Hunt MGB Without State Stamp**

**2-Littering**

**1-Other Than Wildlife And Fisheries**

Page (23)

**SPECIAL STRIKE FORCE CONT'D.**

1-Possess/Take Undersize Federal Controlled Fish

1-Driving Without Operators License

1-Discharge Firearm From Public Road

**CONFISCATIONS:**

68 white perch, 20 ducks, 1 raccoon, 1 deer, 3 guns.

**OYSTER STRIKE FORCE**

**TOTAL CASES-41**

5-Angling Without Basic Resident License

2-Possession Over Limit Red Drum

3-Possession Undersize Red Drum

3-No Commercial License

1-No Gear License

1-No Vessel License

1-No Wholesale/Retail License

1-Fail To Maintain Records

2-Permit Unlicensed Person To Use Vessel

2-Permit Unlicensed Person To Use Gear

1-Take Oysters From Unapproved Area

1-Take Oysters Closed Season

3-Fail To Tag Containerize Oysters

1-Resale Of Untagged Oysters

1-Possession Of Untagged Oysters

4-Harvest Oysters Without Oyster Harvester License

2-Hunt Quadrupeds Illegal Hours

1-Hunting Ducks Closed Season

5-Violation Of Sanitary Code-Chapter 9

**CONFISCATIONS:**

1 gun, 21 red drum, 42 1/2 sacks of oysters.



Page (25)

**TOTAL CASES ENFORCEMENT- 1338**

**TOTAL CASES OTHER DIV. - 193**

**TOTAL CASES S.W.E.P - 6**

**TOTAL CASES SSFORCE - 77**

**TOTAL CASES OSFORCE - 41**

**GRAND TOTAL - 1505**

1994 CASE REPORT YEAR-TO-DATE TOTALS

BOATING: 4,500

FISHING: 8,146 (COMMERCIAL FISHING AND SPORT FISHING)

HUNTING: 3,362

FEDERAL: 103

WMA : 212

MISC. : 947

---

GRAND TOTAL 16,986

# **MRS. JOHN PRINZ, P.R.P., L.O.A.**

*Member, National Association of Parliamentarians*

**Past President:**

*State of LA Parliamentarians*

*N. O. Unit of Parliamentarians*

*Metairie Unit of Parliamentarians*

*20 Sherling Avenue*

*Jefferson, LA 70121*

*504-833-2127*

January 5, 1995

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Secretary  
Department of Wildlife and Fisheries  
Post Office Box 15570  
Baton Rouge, LA 70896

Dear Mr. Herring:

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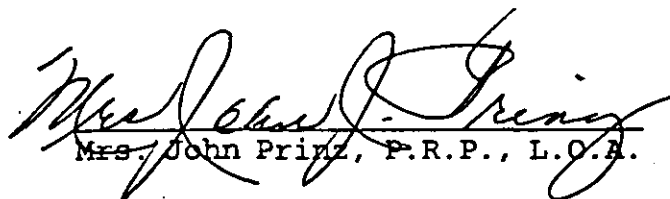
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*Corporate Advisor in Parliamentary Law and Procedure*

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Mrs. John Prinz, P.R.P., L.O.A.



THE SCOTT, FORESMAN


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**RIGHT OF ABSTENTION.** Although it is the duty of every member who has an opinion on a question to express it by his vote, he can abstain, since he cannot be compelled to vote. By the same token, when an office or position is to be filled by a number of members, as in the case of a committee, or positions on a board, a member may partially abstain by voting for less than all of those for whom he is entitled to vote.

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**ASSEMBLY'S PREROGATIVE IN JUDGING VOTING PROCEDURES.** Unless the bylaws provide otherwise, the assembly itself is the judge of all questions arising which are incidental to the voting or the counting of the votes. In an election by ballot, for example, the tellers (pp. 407-409) should refer to the assembly for decision all questions on which there is any uncertainty.

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In Chapter II are described the following methods of voting:

- 1) by *voice* (*viva voce*)—the normal method of voting on a motion;
- 2) by *rising*—used in verifying an inconclusive voice vote, and in voting on motions requiring a two-thirds vote for adoption;
- 3) by *show of hands*—an alternate method that can be used in place of a rising vote in very small assemblies if no member objects. In some small groups, a vote by show of hands is also used in place of a voice vote as a normal method of voting.

HENRY M. ROBERT

*Parliamentary  
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BICENTENNIAL EDITION

WITH A PREFATORY NOTE BY HENRY M. ROBERT III



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180. QUES. In an election of officers, the tellers had collected part of the ballots when a member arose and asked a parliamentary question relating to the election. Upon being answered by the chair, the member said she had voted under a misunderstanding, as had many others, and moved that the ballots collected be destroyed and the balloting be begun again. This motion was adopted and a new ballot taken. Was the procedure correct?

ANS. Yes, if done before members had left after voting; or it could be done by a two-thirds vote after members had left. The object of the voting is to ascertain the choice of the assembly, and if a vote is taken under a misunderstanding that might affect the result it should be ignored. If no member who has voted has left the hall, the chair or a majority may order a new ballot immediately. If members have voted and left the hall, it requires a two-thirds vote to order a new ballot at the same meeting. If a new ballot at the same meeting is not taken, another ballot should be taken at the next meeting, which may be an adjourned meeting.

181. QUES. There being no election on the first ballot, another ballot for officers was cast, and before the polls were closed three members arrived who had not been there when the first ballot was cast. Can these three members now vote?

ANS. Yes. [See Ques. 199.]

182. QUES. Have the tellers a right to vote?

ANS. Yes.

183. QUES. Can a candidate for an office serve as teller at the election?

ANS. Yes, as otherwise persons might be appointed tellers to prevent their being candidates. But no known candidate for a prominent office should be appointed a teller. If a teller is nominated for such an office, he should either decline the nomination or ask to be excused from serving as a teller. A teller should not ask to be excused from serving, simply because votes are cast for him.

184. QUES. In a meeting where there is only one ticket and no way provided in the constitution as to how officers are to be elected, (a) Cannot the secretary be instructed to cast the ballot? (b) Cannot a member move to make the vote unanimous?

ANS. (a) Yes. (b) Yes; but the motion should be made by the leading opponent, or by one who voted for that opponent. One

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187, 188, 189

185. QUES.  
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186. QUES.  
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nominee knew of the intended nomination before the committee reported, and was not willing to be a candidate, the committee should have been notified, so that it could have filled the vacancy. While it was in order for the nominee to decline the nomination as soon as the report was read, it was not proper to make a nomination to fill the vacancy. The committee's nominations cannot be amended. Other nominations may be made as soon as the president calls for nominations from the floor, but they are, not the committee's nominations. In the case mentioned the president should have stated that the nominee declined and "that nominations from the floor are now in order. A is nominated for president. Are there any further nominations for president?" The president should recognize the nomination made by the declining nominee as a nomination from the floor. The nominations from the floor for the different offices should be taken up in the same order as in the report of the nominating committee. [Read preceding answer.]

171. QUES. We have a nominating committee that prepares a ticket containing two names, if possible, for each office to be filled. This ticket is presented at the meeting preceding the annual meeting. (a) Now, are nominations from the floor in order at this time, or two weeks later on election day? (b) If there are not two names brought in for each office, has the club the right to nominate persons to fill these places at the time the ticket is presented, or must all nominations be made on election day? (c) The nominating committee consists of nine members, three appointed by the president and six elected by the club. After this committee has been named and announced, if any member resigns, has the club or the president the right to fill the vacant place? I understand that a vacant place would be filled by the appointing or electing power; but would the president, for instance, have the right to fill one of the three places made vacant, when the club would not have the opportunity to fill any place made vacant in the six, because they report at the next meeting?

ANS. (a) Nominations from the floor are in order both times. [See Ques. 175.] (b) The nominations made by the committee cannot be amended by the society, but members can make additional nominations from the floor when the nominating committee reports. (c) The appointing power can fill the vacancies. If the society feels this may give the president too much power, the remedy is to modify the by-law by reducing the number of mem-

it would be necessary to take a vote on the amendment of the first degree, and then on the main motion whether amended or not.

By the nomination method the five candidates would be nominated in succession by a friend of each. The candidates would then be voted for in the order of their nomination, beginning with the first and stopping as soon as one receives a majority vote, that is, more ayes than noes. This is the fairer method, as the first nominees are more probably the choice of the assembly than the later nominees; and yet, the amendment method requires the votes on the first nominees to be taken last. The amendment method also takes more time, as it requires five different votes to be taken to elect either A or B, whereas the nomination method requires only one vote to elect A and two votes to elect B. Nominations cannot be amended. They are seldom debated, though sometimes the member making the nomination makes what is termed a nominating speech. This also is sometimes done by one or more seconders of the nomination.

If any person is nominated who is unable or unwilling to serve, he should immediately decline. If he was previously asked whether he would accept a nomination and did not decline, it is an imposition upon the society for him afterward to decline and to put the society to the trouble of selecting another candidate.

Nominations by Committee. Usually a committee is appointed in advance to submit nominations for the various offices and boards to be elected at an annual meeting of a society. If the committee is well selected its nominees are almost certain of election. It should be reasonably sure that the persons nominated are willing to serve if elected. In case a nominee withdraws before the election, the committee should meet immediately and agree upon another nomination, which should be reported even though the committee has previously made its report. Although a committee is automatically discharged when its report is made, nevertheless a nominating committee, in order to complete the work assigned it, is automatically revived, by the withdrawal of a nominee, provided the withdrawal occurs before the balloting begins. When called upon for its report, the chairman of the committee rises and says: "Mr. President, your [or, the Nominating] Committee makes [or submits] the following nominations: President, Mr. A; Vice-President, Mr. B"; etc. No other motion is made. The committee has virtually moved that this ticket be elected. The president

# MAY 1995

Photo by Greg Guirard  
Lake Fausse Pointe, Iberia Parish

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1 <i>1995-96 hunting and fishing licenses are on sale. Begin issuing 1995-96 recreational gear licenses.</i>	2	3 <i>Brown Pelican nesting in full swing. Wild turkey hatch underway.</i>	4	5 <i>Time to pick red mulberries.</i>	6
	7 <i>First quarter moon</i>	8 <i>The graceful orchid, spreading pogonia, will bloom until July in wet savannas of southeast Louisiana</i>	9 <i>Deauberies ready for picking.</i>	10 <i>Silky camellia, an uncommon native shrub, blooms in rich upland woods.</i>	11 <i>Beginning of summer-long spawning of spotted seatrout.</i>	12
	13 <i>Mother's Day Full moon</i>	14	15	16	17	18
	19 <i>Last quarter moon</i>	20	21	22 <i>Plant broomrape millet fields for doves within the next 3 weeks for September seasons.</i>	23 <i>Wild blueberries are ripening in the piney woods.</i>	24 <i>Young Red-cockaded Woodpeckers leave their cavity nests.</i>
	25	26	27	28	29	30
	31	1 <i>Memorial Day observed New moon</i>	2	3	4	5
	6	7	8	9	10	11
	12	13	14	15	16	17
	18	19	20	21	22	23
	24	25	26	27	28	29
	30	31	1	2	3	4
	5	6	7	8	9	10
	11	12	13	14	15	16
	17	18	19	20	21	22
	23	24	25	26	27	28
	29	30	31	1	2	3
	4	5	6	7	8	9
	10	11	12	13	14	15
	16	17	18	19	20	21
	22	23	24	25	26	27
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	3	4	5	6	7	8
	9	10	11	12	13	14
	15	16	17	18	19	20
	21	22	23	24	25	26
	27	28	29	30	31	1

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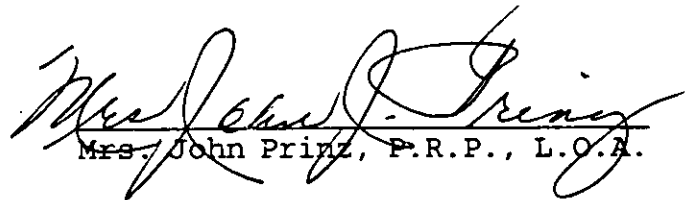
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180. QUES. In an election of officers, the tellers had collected part of the ballots when a member arose and asked a parliamentary question relating to the election. Upon being answered by the chair, the member said she had voted under a misunderstanding, as had many others, and moved that the ballots collected be destroyed and the balloting be begun again. This motion was adopted and a new ballot taken. Was the procedure correct?

ANS. Yes, if done before members had left after voting; or it could be done by a two-thirds vote after members had left. The object of the voting is to ascertain the choice of the assembly, and if a vote is taken under a misunderstanding that might affect the result it should be ignored. If no member who has voted has left the hall, the chair or a majority may order a new ballot immediately. If members have voted and left the hall, it requires a two-thirds vote to order a new ballot at the same meeting. If a new ballot at the same meeting is not taken, another ballot should be taken at the next meeting, which may be an adjourned meeting.

181. QUES. There being no election on the first ballot, another ballot for officers was cast, and before the polls were closed three members arrived who had not been there when the first ballot was cast. Can these three members now vote?

ANS. Yes. [See Ques. 199.]

182. QUES. Have the tellers a right to vote?

ANS. Yes.

183. QUES. Can a candidate for an office serve as teller at the election?

ANS. Yes, as otherwise persons might be appointed tellers to prevent their being candidates. But no known candidate for a prominent office should be appointed a teller. If a teller is nominated for such an office, he should either decline the nomination or ask to be excused from serving as a teller. A teller should not ask to be excused from serving, simply because votes are cast for him.

184. QUES. In a meeting where there is only one ticket and no way provided in the constitution as to how officers are to be elected, (a) Cannot the secretary be instructed to cast the ballot? (b) Cannot a member move to make the vote unanimous?

ANS. (a) Yes. (b) Yes; but the motion should be made by the leading opponent, or by one who voted for that opponent. One

negative vote  
187, 188, 189

185. QUES.  
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186. QUES.  
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184, 185, 187

187. QUES.  
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189. QUES.  
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nominee knew of the intended nomination before the committee reported, and was not willing to be a candidate, the committee should have been notified, so that it could have filled the vacancy. While it was in order for the nominee to decline the nomination as soon as the report was read, it was not proper to make a nomination to fill the vacancy. The committee's nominations cannot be amended. Other nominations may be made as soon as the president calls for nominations from the floor, but they are not the committee's nominations. In the case mentioned the president should have stated that the nominee declined and "that nominations from the floor are now in order. A is nominated for president. Are there any further nominations for president?" The president should recognize the nomination made by the declining nominee as a nomination from the floor. The nominations from the floor for the different offices should be taken up in the same order as in the report of the nominating committee. [Read preceding answer.]

171. QUES. We have a nominating committee that prepares a ticket containing two names, if possible, for each office to be filled. This ticket is presented at the meeting preceding the annual meeting. (a) Now, are nominations from the floor in order at this time, or two weeks later on election day? (b) If there are not two names brought in for each office, has the club the right to nominate persons to fill these places at the time the ticket is presented, or must all nominations be made on election day? (c) The nominating committee consists of nine members, three appointed by the president and six elected by the club. After this committee has been named and announced, if any member resigns, has the club or the president the right to fill the vacant place? I understand that a vacant place would be filled by the appointing or electing power; but would the president, for instance, have the right to fill one of the three places made vacant, when the club would not have the opportunity to fill any place made vacant in the six, because they report at the next meeting?

ANS. (a) Nominations from the floor are in order both times. [See Ques. 175.] (b) The nominations made by the committee cannot be amended by the society, but members can make additional nominations from the floor when the nominating committee reports. (c) The appointing power can fill the vacancies. If the society feels this may give the president too much power, the remedy is to modify the by-law by reducing the number of mem-



it would be necessary to take a vote on the amendment of the first degree, and then on the main motion whether amended or not.

By the nomination method the five candidates would be nominated in succession by a friend of each. The candidates would then be voted for in the order of their nomination, beginning with the first and stopping as soon as one receives a majority vote, that is, more ayes than noes. This is the fairer method, as the first nominees are more probably the choice of the assembly than the later nominees; and yet, the amendment method requires the votes on the first nominees to be taken last. The amendment method also takes more time, as it requires five different votes to be taken to elect either A or B, whereas the nomination method requires only one vote to elect A and two votes to elect B. Nominations cannot be amended. They are seldom debated, though sometimes the member making the nomination makes what is termed a nominating speech. This also is sometimes done by one or more seconders of the nomination.

If any person is nominated who is unable or unwilling to serve, he should immediately decline. If he was previously asked whether he would accept a nomination and did not decline, it is an imposition upon the society for him afterward to decline and to put the society to the trouble of selecting another candidate.

**Nominations by Committee.** Usually a committee is appointed in advance to submit nominations for the various offices and boards to be elected at an annual meeting of a society. If the committee is well selected its nominees are almost certain of election. It should be reasonably sure that the persons nominated are willing to serve if elected. In case a nominee withdraws before the election, the committee should meet immediately and agree upon another nomination, which should be reported even though the committee has previously made its report. Although a committee is automatically discharged when its report is made, nevertheless a nominating committee, in order to complete the work assigned it, is automatically revived, by the withdrawal of a nominee, provided the withdrawal occurs before the balloting begins. When called upon for its report, the chairman of the committee rises and says: "Mr. President, your [or, the Nominating] Committee makes [or submits] the following nominations: President, Mr. A; Vice-President, Mr. B"; etc. No other motion is made. The committee has virtually moved that this ticket be elected. The president

1/5/95

Joe / Jeff

Mr Pat Richardson - <sup>NCW</sup> Executive Director

La Bass Hatchery Inc would

like to make a comment  
at the end of the Commission  
meeting

Arthur

1/5/95

Fish Hatchery Inc

\$5,000 = Drug Clearance  
FISH Production

# Louisiana Department of Wildlife and Fisheries

## NEWS RELEASE

Joe L. Herring  
Secretary



CONTACT  
(504) 765-2923

94-290

12/30/94

### JANUARY 1995 COMMISSION MEETING ANNOUNCED

The Louisiana Wildlife and Fisheries Commission will conduct its next regular meeting on Thursday, Jan. 5, 1995, at 10 a.m. in the Louisiana Room of the Wildlife and Fisheries headquarters building, 2000 Quail Drive, Baton Rouge, La.

The meeting is open to the public. The agenda follows.

1. Roll call.
2. Approval of minutes of Dec. 1, 1994.
3. Moratorium update and possible Declaration of Emergency and Notice of Intent.
4. Aircraft report.
5. Catfish Task Force: proposed structure.
6. Ratification of mullet roe season.
7. Resolution to give secretarial authority to close spotted seatrout season.
8. Declaration of Emergency: extend Calcasieu Lake oyster season and adjust daily take limits.
9. Civil restitution and class 1 update.
10. Enforcement report/December.
11. Secretary's report to the Commission.
12. Legal opinion confirming December election of officers (for informational purposes only).
13. Set shrimp public hearing and May 1995 meeting date.
14. Public comments.

-30-

This public document was printed at a cost of \$2.94. Three hundred copies of this document were printed in this first and only printing. This document was printed by the Department of Wildlife and Fisheries, 2000 Quail Drive, Baton Rouge, LA 70808 to provide timely information about department programs for numerous interest groups and the general public. This document was printed in accordance with the printing standards for state agencies established pursuant to R.S.43:31.

December 29, 1994

NEWS RELEASE

APPROVED: 

AGENDA FOR COMMISSION MEETING

The next regular public board meeting as set by the Commission will be held at 10:00 A.M. on Thursday, January 5, 1995, in the Louisiana Room, Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

1. Roll Call
2. Approval of Minutes of December 1, 1994
3. Moratorium Update and Possible Declaration of Emergency and Notice of Intent
4. Aircraft Report
5. Catfish Task Force - Proposed Structure
6. Ratification of Mullet Roe Season
7. Resolution to Give Secretarial Authority to Close Spotted Seatrout Season
8. Declaration of Emergency to Extend Calcasieu Lake Oyster Season & Adjust Daily Take Limits
9. Civil Restitution/Class 1 Update
10. Enforcement Report/December
11. Secretary's Report to the Commission
12. Legal Opinion Confirming December Election of Officers, for Informational Purposes Only
13. Set Shrimp Public Hearing and May 1995 Meeting Date
14. Public Comments
15. Adjourn



December 28, 1994

NEWS RELEASE

APPROVED: 

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11. Secretary's Report to the Commission
12. Legal Opinion Confirming December Election of Officers, for Informational Purposes Only
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14. Public Comments
15. Adjourn

*wording  
changed  
as per  
instructions  
from Don P.  
12/29/94*

# State of Louisiana



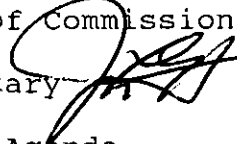
Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
Governor

December 28, 1994

## MEMORANDUM

TO: Chairman and Members of Commission  
FROM: Joe L. Herring, Secretary   
RE: January Board Meeting Agenda

The next regular public board meeting as set by the Commission will be held at 10:00 A.M. on Thursday, January 5, 1995, in the Louisiana Room at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

The following will be on the agenda:

1. Approval of Minutes of December 1, 1994

## TEE JOHN MIALJEVICH

2. Moratorium - Depending if Attorney General Gives Ruling

## LEE CAUBARREAU

3. Aircraft Report

## CORKY PERRET

4. Catfish Task Force - Proposed Structure
5. Ratification of Mullet Roe Season
6. Resolution to Give Secretarial Authority to Close Spotted Seatrout Season
7. Declaration of Emergency to Extend Calcasieu Lake Oyster Season & Adjust Daily Take Limits

Page 2  
Commission Meeting  
December 28, 1994

WYNNETTE KEES

8. Civil Restitution/Class 1 Update

WINTON VIDRINE

9. Enforcement Report/December

JOE HERRING

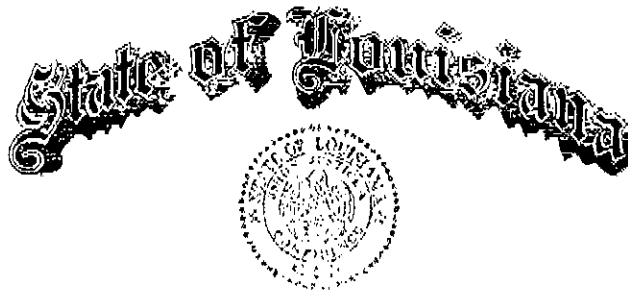
10. Secretary's Report to the Commission

DON PUCKETT

11. Legal Opinion Confirming December Election of Officers,  
for Informational Purposes Only
12. Set Shrimp Public Hearing and May 1995 Meeting Date
13. Public Comments

JLH:sch

C: Clyde Kimball  
Fred Prejean  
Lee Caubarreaux  
Corky Perret  
Don Puckett  
John Medica  
Division Chiefs



## WILDLIFE AND FISHERIES COMMISSION

JOHN F. "JEFF" SCHNEIDER

CHAIRMAN

RT. 1, BOX 201

LORANGER, LOUISIANA 70446

504/878-6733

Ms. Susan Hawkins  
WL&F  
FAX: 504-765-2607

Merry Christmas and Happy New Year to you!

I spoke with Joe this morning and agreed to add the following to the January agenda:

Toward the end of the agenda add "for informational purposes only, legal opinion confirming December election of officers by Don Puckett".

Hope Santa brings you alot of goodies.

Many thanks,

A handwritten signature in black ink, appearing to read "Jeff", written in a cursive style.

Jeff Schneider

# State of Louisiana



Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
Governor

12-24-94

To Susan H.

Susan - I talked to  
Jeff Schneider, Chairman  
this A.M. and he said  
put on the agenda (comm.)

Briefing on Commission Election  
of officers - Don Probst

John  
Gunn

**FAX TRANSMITTAL**

TO: Jeff Schneider  
Chairman  
FAX# \_\_\_\_\_  
FROM Susan Hawkins  
RE: January Commission Agenda

Please review the attached agenda for the January 5, 1995 Commission Meeting. Let me know if okay.

Thank you.& Happy Holidays.

*Juan* 12-21 2:20  
*Jeff is taking  
Election of officers  
off the agenda  
Paula*

DATE: December 21, 1994  
TIME SENT \_\_\_\_\_  
FOR INFORMATION CALL (504) 765- 2806  
OUR FAX # (504) 765-2607  
PAGES TO FOLLOW 2

MEMORANDUM

TO: Chairman and Members of Commission  
FROM: Joe L. Herring, Secretary  
RE: January Board Meeting Agenda

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1. Approval of Minutes of December 1, 1994

TEE JOHN MIALJEVICH

2. Election of Officers for Commission
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LEE CAUBARREAU

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CORKY PERRET

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Page 2  
Commission Meeting

WYNNETTE KEES

9. Civil Restitution/Class 1 Update

WINTON VIDRINE

10. Enforcement Report/December

JOE HERRING

11. Secretary's Report to the Commission
12. Set Shrimp Public Hearing and May 1995 Meeting Date
13. Public Comments

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Lee Caubarreaux  
Corky Perret  
Don Puckett  
John Medica  
Division Chiefs



# State of Louisiana



Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
Governor

December 1, 1994

## MEMORANDUM

TO: Deputy Secretary, Undersecretary, Assistant Secretary-  
Office of Wildlife, and Assistant Secretary-Office of  
Fisheries

FROM: Joe L. Herring, Secretary *[Signature]*

SUBJECT: Commission Meeting Agenda - January 5, 1995

Please write on the bottom of this memo and return to Susan Hawkins by Friday, December 16th any agenda items your office may have for the Thursday, January 5th Commission Meeting to be held in Baton Rouge, Louisiana, at the Wildlife and Fisheries Building, 2000 Quail Drive. This meeting will begin at 10:00 a.m. on January 5th. If you do not have anything for the agenda, please return memo and indicate so on the bottom of this memo. We cannot add anything to the agenda that requires commission action after we have published the agenda in the state journal.

Resolutions and Notices of Intent should be included with the list of items to be placed on the agenda. Thank you for your cooperation!

JLH/sch

cc: Commissioners  
Don Puckett  
Bob Dennie  
Winton Vidrine  
Hugh Bateman  
Johnnie Tarver  
Bennie Fontenot  
John Roussel  
Wynnette Kees  
Karl Turner

*Dear Corky:*  
*The only item I have for the*  
*Jan 5th comm. meeting is as*  
*follows:*  
*1) Catfish Tack Fence - Proposed*  
*STRUCTURE.*

*[Signature]*  
*Bennie*

# State of Louisiana



Joe L. Herring  
Secretary

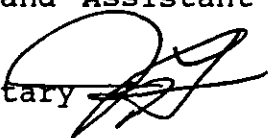
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December 1, 1994

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Johnnie Tarver  
Bennie Fontenot  
John Roussel  
Wynnette Kees ✓  
Karl Turner

*Civil restitution update  
W. Kees  
12-01-94*

# State of Louisiana



Joe L. Herring  
Secretary

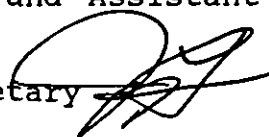
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Bob Dennie  
Winton Vidrine ✓  
Hugh Bateman  
Johnnie Tarver  
Bennie Fontenot  
John Roussel  
Wynnette Kees  
Karl Turner

A large handwritten signature, possibly "W. Vidrine", and the initials "W.V." below it.

# State of Louisiana



Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
Governor

December 1, 1994

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Johnnie Tarver  
Bennie Fontenot  
John Roussel  
Wynnette Kees  
Karl Turner

*Resolution to Establish Gill Net License  
Moratorium -*

*This is my suggestion*

*[Signature]*

# State of Louisiana



Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

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Wynnette Kees  
Karl Turner

*Nothing from I&E*

*Thanks*

*Bob AL  
12/14/94*

REC'D  
DEC - 1 1994  
INFORMATION &  
EDUCATION DIV.  
ADM.

# State of Louisiana



Joe L. Herring  
Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
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December 1, 1994

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Bennie Fontenot  
John Roussel  
Wynnette Kees  
Karl Turner

*List below or see me about  
Any agenda items for January?  
Return by Dec. 15<sup>th</sup>*

*T. Puckett* OK

*D. Morrison* ✓

*B. Lowe* OK

*Susan: We have no specific  
items for the Jan. agenda -  
HB*

# State of Louisiana



REC'D

DEC 01 94

FUT  
B...

Joe L. Herring  
Secretary

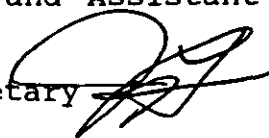
Department of Wildlife and Fisheries  
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Edwin W. Edwards  
Governor

December 1, 1994

## MEMORANDUM

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Office of Wildlife, and Assistant Secretary-Office of  
Fisheries

FROM: Joe L. Herring, Secretary 

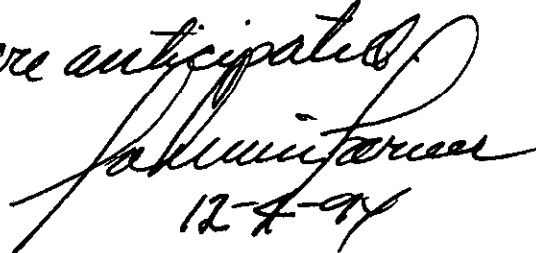
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John Roussel  
Wynnette Kees  
Karl Turner

*No items are anticipated.*  
  
12-4-94

# State of Louisiana



Joe L. Herring  
Secretary


Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(504) 765-2800

Edwin W. Edwards  
Governor

December 1, 1994

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Karl Turner





## WILDLIFE AND FISHERIES COMMISSION

JOHN F. "JEFF" SCHNEIDER

CHAIRMAN

RT. 1, BOX 201

LORANGER, LOUISIANA 70446

504/678-6733

Monday, October 31, 1994

Mr. Algie Breaux, President  
Calcasieu Parish Police Jury  
FAX: 318-437-3345

Dear Mr. Breaux:

I have just reviewed your letter of October 28, 1994 and must inform you that we will be unable to discuss this matter at our next scheduled Commission meeting on November 3rd. We will; however, consider your request at our December meeting which is, I believe, on the first of the month.

In the interim, I have asked the Department to develop the background information on this issue, as well as, contact your local legislative representatives to obtain their comments.

Sincerely,

A handwritten signature in cursive script that reads "Jeff Schneider".

John F. "Jeff" Schneider, Chairman  
JFS/lwm

cc: Joe Herring, Secretary

TO: Susan Hawkins

They have asked  
that this item  
be removed from the  
agenda. Thanks - Jeff



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cc: Joe Herring, Secretary

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# JOHN F. 'JEFF' SCHNEIDER

23473 HWY. 22 • PONCHATOULA • LA • USA • 70454



(504) 386-2694



(504) 386-8593

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Date: 10/31/94

Total # of pages including cover sheet: 2

To: Susan Hawkins

Recipient Fax: 504 765 2607

Memo:

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**Fax•Fax•Fax•Fax•Fax•Fax•Fax•Fax•Fax•Fax•Fax•Fax**

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# CALCASIEU PARISH POLICE JURY

GOVERNING AUTHORITY OF CALCASIEU PARISH, LOUISIANA

P.O. Drawer 3287 • 1015 Pithon Street • Lake Charles, Louisiana 70602-3287  
318/ 437-3500 • Fax 318/ 437-3345

October 28, 1994

Algie Breaux  
President

Sandy Treme  
Vice President

S. Mark McMurry  
Parish Administrator

Clyde Dulaney  
District 1

Paul Guillory  
District 2

Joseph J. St. Mary  
District 3

Allen P. August  
District 4

Charles S. Mackey, D.D.S.  
District 5

Charles S. Liggio, Sr.  
District 6

Dana Jackson  
District 7

Charles Blanchard  
District 8

Darrell Derouen  
District 9

Algie Breaux  
District 10

Sandy Treme  
District 11

Larry Currie  
District 12

Francis Andrepoint  
District 13

Ray Campbell  
District 14

Dale Bayard  
District 15

Mr. Jeff Schnieder  
Louisiana Wildlife and Fisheries Commission  
Post Office Box 98000  
Baton Rouge, LA 70898

Dear Mr. Schnieder:

This letter is to officially request you to place an item on the agenda for the November 8, 1994, meeting of the Louisiana Wildlife and Fisheries Commission that would allow for discussion on the issue of gill and strike netting in the portion of Calcasieu Lake which lies within Calcasieu Parish.

I have attached a copy of the pertinent part of the minutes of the regular meeting of the Calcasieu Parish Police Jury on May 5, 1994, which contains a resolution asking that the Commission close commercial gill and strike netting year round in that portion of Calcasieu Lake. I have also attached a copy of the certified resolution adopted on that date.

Mr. Stephen Shaddock, among others from Calcasieu Parish, can be present for your November meeting to discuss this important issue with the Commission.

We appreciate your attention to this request.

Very truly yours,

ALGIE BREAUX  
President

clc

cc:

Mr. Stephen G. Shaddock

FAXED TO: 504/386-8593 on 10/28/94

RECEIVED

OCT 31 94

LA WILDLIFE & FISHERIES  
OFFICE OF THE SECRETARY

# Parish of Calcasieu



## State of Louisiana Resolution

WHEREAS, many anglers avidly fish the East Pass, West Pass, and Turners Bay area located in Calcasieu Lake of Calcasieu Parish, Louisiana; and

WHEREAS, Calcasieu Parish has over 17,600 licensed saltwater anglers, and approximately 95% of these anglers fish for speckled trout and redfish; and

WHEREAS, approximately two years ago a bill was passed in the Louisiana State Legislature to move the saltwater/freshwater line from Highway 82 in Cameron Parish to the Intracoastal Waterway in Calcasieu Parish; and

WHEREAS, after said bill was passed, an increase occurred in the number of commercial gill netters and strike netters in this area of Calcasieu Lake, setting nets with smaller mesh sizes, and thus needlessly destroying speckled trout, redfish, and other species of fish.

NOW, THEREFORE,

BE IT RESOLVED BY THE POLICE JURY OF CALCASIEU PARISH LOUISIANA, convened in Regular Session on the 5th day of May, 1994, that it does hereby urge the Louisiana Department of Wildlife and Fisheries to close commercial gill netting and strike netting year round in that portion of Calcasieu Lake which lies within Calcasieu Parish.

\*\*\*\*\*

### CERTIFICATE

I, the undersigned, do hereby certify that the above is a true and correct copy of a resolution, adopted by the Police Jury of Calcasieu Parish, Louisiana, convened in regular session on the 5th day of May, 1994.

  
Parish Administrator and  
Ex-Officio Secretary

5/5/94

362

Motion was made by Mr. August, seconded by Dr. Mackey and carried, with Mr. Derouen recusing himself from voting, that item number 8 be approved as stated above.

Upon motion by Dr. Mackey, which was duly seconded by Mr. August and carried unanimously, item number 9 as stated above was approved, and the following ordinance was adopted:

**ORDINANCE NO. 3539**

**AN ORDINANCE** amending Chapter 17, Art. II, Div. 3. Weight Limits, Sec. 17-89 of the Code of Ordinances of Calcasieu Parish, Louisiana, to establish a ten (10) ton load limit on Bonito Drive, Stingray Drive, Drum Drive, Dolphin Drive, and Flounder Drive in Ward Three of Calcasieu Parish, Louisiana.

**BE IT ORDAINED BY THE POLICE JURY OF CALCASIEU PARISH, LOUISIANA**, that it does hereby amend Chapter 17, Art. II, Div. 3. Weight Limits, Sec. 17-89 of the Code of Ordinances to establish a load limit of ten (10) tons on Bonito Drive, Stingray Drive, Drum Drive, Dolphin Drive, and Flounder Drive in Ward Three of Calcasieu Parish, Louisiana.

**BE IT FURTHER ORDAINED** that effective immediately, no vehicle shall carry a load in excess of ten (10) tons on Bonito Drive, Stingray Drive, Drum Drive, Dolphin Drive, and Flounder Drive in Ward Three, as heretofore set forth.

**BE IT FURTHER ORDAINED** that appropriate signs shall be erected along Bonito Drive, Stingray Drive, Drum Drive, Dolphin Drive, and Flounder Drive in Ward Three, at reasonable intervals, to warn the operators of vehicles of the load limit herein imposed.

**BE IT FURTHER ORDAINED** that anyone violating the provisions of this ordinance, upon conviction, shall be fined as provided in Section 1-9 of the Code of Ordinances of Calcasieu Parish, Louisiana.

**BE IT FURTHER ORDAINED** that the provisions of this ordinance shall be included and incorporated in the Code of Ordinances as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

This ordinance was adopted on the 5th day of May, 1994.

/s/ Algie Breaux  
Algie Breaux, President

/s/ S. Mark McMurry  
S. Mark McMurry, Parish Administrator & Ex-Officio Secretary

\*\*\*\*\*

✓ Motion was made by Mr. Liggio and seconded by Mr. Derouen that the Police Jury adopt a resolution requesting the Louisiana Department of Wildlife and Fisheries to close commercial gill netting and strike netting year-round in that portion of Calcasieu Lake which lies within Calcasieu Parish.

Several persons appeared before the Police Jury to support the adoption of said resolution, those being: Mr. Fred Bennerscheidt, Mr. David Saucier, Ms. Mary Newlin Poe, Mr. Phil Ribbeck, and Mr. Steve Shaddock. These persons spoke of various concerns, such as the depletion of the fish population in the Calcasieu Lake, the indiscriminate killing of fish, as well as verbal confrontations with and threats from the commercial fishermen.

Mr. Derouen stated that he was completely in favor of the resolution but had concerns about the manner in which this would be enforced, since there are no visible boundaries between Calcasieu and Cameron parishes in that portion of Calcasieu Lake.

Mr. Bryant Smith of the Coast Guard appeared before the Police Jury and stated there were a number of ways this could be accomplished. He advised that the markers could be driven piles, as long as they complied with marine regulations. He further advised that the Police Jury would probably have to maintain the markers, and he wasn't certain if the Coast Guard would install them or not, but an application could be made by either the Police Jury or a private citizen for permanent markers.

Mr. Liggio stated that he felt Calcasieu Lake should only be open for recreational fishing, due to the fact that many of the commercial fishermen come from out of state, contribute nothing to the local economy, take the fish elsewhere for sale, and add to the problem of dwindling fish supplies in the area. He further stated that if the resolution under discussion received a favorable ruling from the Wildlife and Fisheries Commission, perhaps the time should soon come for the Calcasieu Parish Police Jury and the Cameron Parish Police Jury to unite in an effort to ban commercial fishing in the entirety of Calcasieu Lake.

A vote was then taken on the motion on the floor, and said motion carried unanimously; whereupon, the following resolution was adopted:

#### **RESOLUTION**

**WHEREAS**, many anglers avidly fish the East Pass, West Pass, and Turners Bay area located in Calcasieu Lake of Calcasieu Parish, Louisiana; and

**WHEREAS**, Calcasieu Parish has over 17,600 licensed saltwater anglers, and approximately 95% of these anglers fish for speckled trout and redfish; and

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\* \* \* \* \*